

#### About the Cover:

Lake Buel, Photograph by Patricia Nahmias.

The Town of New Marlborough
gratefully acknowledges the picturesque photograph
taken by Patricia Mahmias
depicting the always beautiful Lake Buel.
Thank you!

# ANNUAL REPORT

OF THE

# TOWN OF NEW MARLBOROUGH

# **MASSACHUSETTS**



For the Fiscal Year July 1, 2019 - June 30, 2020

First Settled	1739
Area	28,046 acres
Incorporated	June 15, 1759
Elevation	1,200 feet
Road mileage	89
Residents (2020)	1,316
Registered Voters (2020)	1,097
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## **Federal and State Representatives**

**Senators in Congress:** Edward J. Markey

Elizabeth A. Warren

Representative in Congress: Richard E. Neal

Governor: Charles Baker Governor: Karyn Polito

Lieutenant Governor: Karyn Polito State Senator: Adam Hinds

Representative in General Court: William Smitty Pignatelli

#### **Town Services**

## **Emergency Calls Police, Fire and Medical Dial 911**

Services	Telephone	<b>Meeting Dates</b>
Accounting Officer:	229-7784	Fridays 9:00 am – 2 pm
Board of Appeals:	229-8116	On Chairman's Call
Board of Assessors:	229-8926	At Library: 4th Wednesday of month - 9 a.m.
Board of Health:	229-8469	2 <sup>nd</sup> Tuesdays, 6:00 p.m.
Board of Selectmen:	229-8116	Mondays, 6:00 p.m.
Cemetery Commission:	229-2890	On Chairman's Call
Emergency Management:	229-8278	On Call
Conservation Commission	: 229-8116	Third Saturday of Month, 10:00 a.m.
Dog Officer:	232-7038	On Call
Finance Committee:	229-8278	On Chairman's Call
Highway Department:	229-8165	Monday - Friday 7:00 a.m. 3:30 p.m.
Inspector of Buildings:	229-0277	Monday, 5 p.m. $-7$ p.m./Thursday 8 a.m. $-10:00$ a.m.
Planning Board:	528-0616	2nd & 4th Wed. Month, 7:00 p.m.
Public Library:	229-6668	November 1st – March 31st Tues. & Thurs. 1:30-5:30 p.m. Mon., Wed. & Sat. 10:00 a.m5:30 p.m. Fridays, 1:30-7:30 p.m.
		April 1st - October 1st
		Tuesdays & Fridays, 1:30 - 7:30 p.m.
		Wed & Sat., 10:00 a.m 5:30 p.m.
		Mon. & Thurs. 1:30 - 5:30 p.m.
Town Clerk:	229-8278	Monday - Friday 7:30 a.m 3:30 p.m.
Tax Collector:	229-8963	Monday – Friday 8:30 a.m. – 2:00 p.m.

Town Treasurer: 672-0164 Monday – Tuesday 8:30 a.m. – 3:30 p.m.

Transfer Station: 229-2116 Sun. & Wed. -9 a.m. -1 p.m.

Saturday 9 a.m. – 3 p.m.

Sanitary Inspector: 229-8469 On call
Plumbing Inspector: 229-8019 On call
Wiring Inspector: 528-2823 On call
Gas Inspector: 229-8019 On call
Oil Burner Inspector: 229-8100 On call

## **Elected Officers**

Office	Officer(s)	Term Expires
Board of Selectmen	Tara B. White, Chair	2021
	Richard E. Long	2022
	Mark Carson	2023
Town Clerk	Katherine M. Chretien	2020
Moderator	Barry Shapiro	2020
Board of Assessors	Marsha Pshenishny, Chair	2022
	Frederick Friedman	2020
	Wendy Miller	2021
Planning Board	Mark Carson, Chair	2020
	Jonathan B. James	2020
	Thomas Sebestyen	2021
	Robert W. Hartt	2020
	Paul Marcel	2021
Board of Health	Lawrence H. Davis, III, Chair	2020
	John Bellinger	2022
	Jordan Chretien	2021
Cemetery Commission	Tammi Palmer, Chair	2022
	Tara B. White	2022
	Robert Palmer	2021
Finance Committee	Steven Klein, Chair	2020
	Michele Shalaby, Vice Chair	2022
	John Pshenishny	2022
	Sandra Fusco-Walker	2021
	Robert Miller	2020
	Barbara Marchione	2022
	I. Douglas Newman	2021

Office	Officer(s)	Term Expires
Library Trustees	Sally Turner, Chair	2021
	Carrie Ann Liba	2022
Tree Warden	Mathew Wright	2021
Constable	David Herrick	2021
School Committee	Jane Burke	2022
	Carrieanne Petrik	2020

# **Appointed Officers**

Administrative Secretary	Sharon Fleck	2021
Board of Registrars	Michelle Dawson-Harvey	2021
	Alicia Brazie	2021
	Sharon Fleck	2021
Conservation Commission	Freddie Friedman	2021
	John Schreiber	2021
	Nanci Worthington	2021
	David Herrick	2021
Board of Appeals	Courtney Turner, Chair	2021
	B. Daniel Litchfield	2021
	Sharon Fleck	2021
	Jack Bellinger, Alternate	2021
Town Administrator (Contract)	Anne Marie Enoch	2021
Chief Procuremet Officer	Anne Marie Enoch	2021
Animal Control Officer	Cassi Keeley	2021
Inspector of Animals	Prudence Spaulding	2021
Board of Health Agent	Scott McFarland	2021
Accounting Officer	Tara B. White	2021
Tax Collector	Gina Campbell	2021
Assistant Tax Collector	Kathy Chretien	2021
Town Treasurer		2021
Assistant Town Treasurer	Katherine M. Chretien	2021
Field Driver/Fence Viewer	Prudence Spaulding	2021
Moth Superintendent	Lawrence H. Davis, Jr.	2021
Burial/Soldier Grave Agent	Courtney K. Turner	2021
Town Counsel	Jeremia Pollard, Esq.	2021
Gas Inspector	Robert Krupski	2021
Assistant Gas Inspector	Donald Hopkins	2021

Pound Keeper	Vacant	2021
Plumbing Inspector	Robert Krupski	2021
Assistant Plumbing Inspector	Donald Hopkins	2021
Veterans Agent	Laurie Hills	2021
Police Chief (Contract)	Graham Frank	2021
Fire Chief (Contract)	Charles Loring, III	2021
Highway Super. (Contract)	Charles Loring, III	2021
Building Commissioner	Owen Wright	2021
Alternate Building Inspector	Matt Kollmer	2021
Local Inspector	Don Torrrico	2021
Wiring Inspector	Michael Leining	2021
Alternate Wiring Inspector	Lawrence "Butch" Ray	2021
	Jim Kern	2021
Cultural Council	Nancy Barbe, Chair	2021
	Eugene Cleary	2022
	Sue Cohen	2021
	Richard Long	2021
	Wendy Miller	2021
	Holly Valente	2021
	Linda Fass	2021
	Marjorie Shapiro	2021
	Alice Fahs	2021
	Joyce Hackett	2022
	Marjorie Robins Boscarino	2022
Historical Commission	John Schreiber, Chair	2021
	Claudette Callahan	2021
	Deanna Mummert	2021
	Fiona Kerr	2021
Right-to-Know Officer	Board of Selectmen	
	Larry Burke, Asst.	2021
Regional Planning	Mark Carson	2021
Commission Delegate	Mark Carson	2021
Alternate Regional Planning	Roert Hartt	2021
Commission Delegate		
Lake Buel Restoration	Christopher Hassett	2021

Representative		
Council on Aging	Prudence Spaulding, Chair	2021
	Marsha Harvey	2021
	Joan Hotaling	2021
	Jane Beers	2021
	Merrie Abolafia	2021
Director of Senior Services	Prudence Spaulding	2021
Umpachene Park Commission	Robert Twing	2021
	Warren Weldon	2021
	Courtney A. Davis	2021
	Vacant	
Emergency Management Dir.	Barbara Marchione	2021
Deputy Emergency Mgr. Dir.	Robert Litchfield	2021
Solid Waste Coordinator	Freddie Friedman	2021
Part-Time Police Officers	Ed Deming	2021
	Dominick Crupi	2021
	Gary Lemon	2021
Full Time Police Officer	John Mullen	2021
Agricultural Commission	Eli Cook	2021
Cable Advisory Committee	Steven Klein, Chair	2021
	Doug Newman	2021
	Michael Shocket	2021
	Broc Kerr	2021
	John Valente	2021
Commission on Disabilities	Tom Stalker, Chair	2021
	John Hotaling	2022
	John Pshenishny	2022
	Marsha Pshenishny	2021
	Tara B. White	2021
Designer Review Committee	Daniel Doern	2021
	Mari Enoch	2021
	Scott Walker	2021
	Joyce Hackett	2021
	Richard E. Long	2021
Housing Committee	Richard E. Long	2021
	Kenzie Field	2021

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	Elizabeth Rosenberg, Chair	2021
	Teena Parton	2021
	Will Regan	2021
Citizen Advisory Committee	Nanci Worthington	2021
_	Elizabeth Rosenberg	2021
	Mark Carson	2021
Transfer Station Working Group	Freddy Friedman	2021
	Nathaniel H. Yohalem	2021
	Andrea Ferrera	2021
	Cecelia Caldwell	2021
	Joan Elmer	2021
	Philip Nolan	2021
Interim Capital Working Group	Michele McAuley	2021
	Elizabeth Reynolds	2021
	Steve Klein	2021
	Nathaniel H. Yohalem	2021
	Mark Walker	2021
	Richard Long	2021
	John Halbreich	2021
Non Board of Selectmen Appointees		2021
Assistant Town Clerk	Sharon Fleck	2020
Assessor's Clerk	Marsha Pshenishny	2020
Berkshire Reg. Planning Delegate	Mark Carson	2020
Deputy Fire Chief	David Smith	2020
Assistant Chief	Bob Dvorchik	2020
Chief Medical Officer	Maureen Krecji	2020
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# ANNUAL REPORT OF THE BOARD OF SELECTMEN Fiscal Year 2020 July 1, 2019 – June 30, 2020

For the Fiscal Year, the Board consisted of Tara White as Vice-chairman, Richard Long and me, serving as the Chairman. In addition to the Board, residents of New Marlborough rely heavily on a number of other boards, committees, councils, commissions and Town Meetings to ensure that, together, we act in a responsible manner that benefits the majority of our residents and protects the vulnerable.

Early in the fiscal year, the Board negotiated and entered into a contract with CVE North America, Sunrise which was constructing a solar field project on Knight Road. In lieu of personal property taxes, the solar company will pay approximately \$45,000 a year to the Town over the next 20 years. Around the same time, the Board entered into a contract with a human resource consultant, the Collins Center of the University of Massachusetts, to review the duties and salaries of Town employees.

In mid-July 2019, the Board addressed complaints relating to speeding in Southfield and Mill River. As a result, crosswalks were repainted, the number of stop signs were increased and new stop lines were painted on the roads.

During the summer of 2019, the Highway Department garage parking lot was repaved, Park Avenue Solar began construction of a new solar project in Mill River on the Mill River Southfield Road opposite the Highway Department. We were unable to reach an agreement with the company regarding future personal property taxes. Therefore, taxes attributable to the project will be based on an annual assessment.

A committee consisting of the eight towns that are part of the Southern Berkshire Regional School District and the Berkshire Hills Regional School District was formed to study the consolidation of our District with Berkshire Hills. In August, the Town and Sandisfield applied for a \$2,000,000 grant for the purpose of repairing a 4.7 mile portion of Route 57 in the two towns. The grant was awarded in December.

In September, the Town learned that it, Sheffield and Otis had been awarded a Community Development Block Grant. The Town's share of approximately \$320,000 is to be used to rehabilitate up to six homes at no more than \$40,000 each. The balance will be used for architectural fees for a design for Architectural Barrier Removal in Town Hall which will address American with Disabilities Act compliance issues.

At the end of 2019, a Designer Selection Committee was formed to hire an architect to draw plans to make Town Hall ADA compliant. A Housing Committee was also formed to address the current and future needs of the Town. We also learned that the real estate tax rate for 2020 would be \$10.31 per thousand, a decrease of 3 cents.

COVID-19 was included as a discussion topic in almost every Board meeting beginning in early 2020. Town Hall was closed to the public in early March. All Board, committee and commission meetings were directed to be held on-line or by telephone. The Town caucus was postponed. On March 20th, the Board declared a State of Emergency in New Marlborough making the Town eligible for State funding relating to expenses incurred because of the pandemic.

Recognizing that COVID-19 was having a dramatic adverse impact on jobs and incomes, the due date for payment of property taxes was extended from May 1 to June 1. Penalties and interest for excise taxes due March 10th were waived if paid before June 30. These relief measures were available to the Town by a special act of the Massachusetts Legislature.

The Board greatly appreciates those on the front lines, including the first responders, who did not stay home, isolated in their homes, during the pandemic. When the alarms went off, they responded, even when so much was uncertain. We also owe our appreciation to the Board of Health and its agent who unexpectedly were faced with hours and hours of additional work, sifting through information and responding to the Town's needs. Other essential workers, such as those at the Transfer Station and the Department of Public Works, could not, by nature of their jobs, work remotely and came to work every day. The staff at the Library did everything it could under State restrictions to offer services to the public. We also owe thanks to everyone in Town for your patience and understanding. I do not wish to list names of Town employees because there were so many who contributed and I am afraid I'll miss somebody. In behalf of the Board, I can only say thank you, thank you, thank you,

The Town, with the invaluable support of Marc Trachtenberg, created three "hot spots" so that residents could park outside the Library, Town Hall and the Fire House in order to obtain broadband services. The Town caucus was postponed to May 19th and the Town election to June 29th.

The Town caucus was held in the Town Hall parking lot. Voters stayed in their cars and there were no problems thanks to the efforts of the Town Clerk, her staff and the Police Department. Unfortunately, the Memorial Day celebration was cancelled but our Fire, Rescue and Police Department held a much appreciated wave parade canvassing the five villages.

In May, the Town learned that approximately \$128,000 of available Federal CARES funds could be used by the Town between March 1 and December 30. 2020 for COVID-19 related expenses. In early June, several Highway Department employees petitioned to become unionized. Shortly thereafter, the Board retained labor counsel. The annual Town Meeting was postponed until August 25th, under a tent, on the grounds of the New Marlborough Central School. Thanks to the efforts of the Town Moderator, it all went seamlessly.

We owe many thanks to all of you who participated in and contributed to the management of our Town. Hopefully, by the time this report is published, the pandemic will be under control and we will all have been vaccinated and in good health.

Respectfully submitted,

Nat Yohalem

## TOWN OF NEW MARLBOROUGH ANNUAL TOWN MEETING MINUTES - AUGUST 15, 2020

The Annual Town Meeting was called to order at 9:03 AM on Saturday, the 15th day of August, 2020 outside the New Marlborough Central School, Mill River Village by Moderator, Barry Shapiro. Mr. Shapiro welcomed voters to the Annual Town Meeting and mentioned that this form of town meeting is the purest, oldest Democratic of the country. Ninety Six (96) voters were present. All stood and listened to the national anthem. A moment of silence in honor of all veterans, police and rescue. Mr. Shapiro extended gratitude to Mr. Nathaniel Yohalem for serving nine (9) years as Mr. Shapiro recognized Mrs. Holly Valente, member of the New Marlborough Cultural Council mentioned that today (Saturday, August 15) would have been Elihu Burritt Day in New Marlborough. Typically, the celebration occurs on the Village Green. Unfortunately, due to COVID-19, the Cultural Council decided to cancel the fair, to keep best practices in place for health and safety for all residents. An important part of the celebration is the presentation of the annual Elihu Burritt Award, given to a resident or residents who has given generously to our community. With the pandemic, we have all seen gracious, open-hearted efforts by so many residents to help others. We are overwhelmed by the way this community has pulled together in the fight against COVID-19. In recognition of these efforts by all members of the community, The New Marlborough Cultural Council has decided to present the 16th Elihu Burritt Award to the Citizens and Businesses of New Marlborough. The certificate will be displayed in the Town Library. Mr. Shapiro reminded voters that the yellow voter's cards will be used for each article; and that the purpose of the meeting is to act on the thirty three (33) articles; and that there will be a time limit of two minutes for those you wish to speak. Mr. Shapiro noted that the warrant was duly posted by the constable, Mr. David Herrick. After the greetings were done a motion was made, seconded and so voted to waive the reading of the warrant.

**Article 1:** To hear and act upon the reports of the Town Officers or any committee of the Town.

**Article 2:** To see if the Town will vote to authorize the Board of Selectmen to act as agents of the Town in accordance with Chapter 40, Section 2 of the General Laws for the purpose of bringing suit or suits in the name of the Town and on its behalf, and to adjust, litigate, defend, compromise, settle, and execute any and all documents pursuant to any settlement on behalf of the Town for such amounts as the Selectmen shall determine in their decision to be proper and in the best interest of the Town or take any other vote in relation thereto.

**Article 3:** To see if the Town will vote to authorize the Town, with the approval of the Board of Selectmen, to seek and accept any grants or take any other vote relation thereto.

**Article 4:** To see if the Town will vote to authorize the Board of Selectmen to appoint any member or members thereof to other office(s) or position(s) for a term as provided by law (if any), or otherwise for a term not to exceed one year and to fix the salary and

compensation in accordance with Chapter 41, Section 4A of the General Laws, or take any other vote in relation thereto.

**Article 5:** To see if the Town will vote to authorize the Board of Health to appoint an agent for the Board of Health who may be a member of the Board of Health, under the provisions of Chapter 41, Section 4A of the General Laws, subject to the approval of the Board of Selectmen, or take any other vote in relation thereto.

**Article 6:** To see if the Town will vote to authorize the Conservation Commission to appoint an agent for the Conservation Commission, who may be a member of the Conservation Commission, under the provisions of Chapter 41, Section 4A of the General Laws, subject to the approval of the Board of Selectmen, or take any other vote in relation thereto.

**Article 7:** To see if the Town will vote to authorize any Town Board to appoint any member thereof to another office or position, subject to the approval of the Board of Selectmen, for a term as provided by law (if any), or otherwise for the term not to exceed one year, and to fix the salary and compensation in accordance with Chapter 41, Section 4A of the General Laws, or take any other vote in relation thereto.

**Article 8:** To see if the Town will vote to accept any and all money appropriated by the Executive Office of Transportation and Massachusetts Highway Department, subject to the approval of the Board of Selectmen, said sums to be used for the purpose of repairing roads, or take any other vote in relation thereto.

**Article 9:** To see if the Town will vote to accept any and all money appropriated by the Executive Office of Veterans Affairs and appropriate said amounts, subject to the approval of the Board of Selectmen, to the Veterans Benefits Trust Fund for the purpose of paying veteran benefits under Chapter 115 of the General Laws, or take any other vote in relation thereto.

A motion was made, seconded and so voted to approve Articles #1 through Article #9 by a show of cards.

**Article 10:** To see if the Town will vote to affix the salaries of various elected Town Officers, or take any other vote in relation thereto.

(Recommended by the Finance Committee)

	FY 2021	+/-	FY 2020
Board of Selectmen (each, 3 members)	\$2,850.00		\$2,850.00
Town Moderator	\$145.00		\$145.00
Town Clerk	\$37,676.00	\$4,055.00	\$33,621.00
Board of Assessors (chairman)	\$2,200.00		\$2,200.00
Board of Assessors (each, 2 members)	\$1,900.00		\$1,900.00
Board of Health (chairman)	\$450.00		\$450.00
Board of Health (each, 2 members)	\$400.00		\$400.00
Cemetery Commissioners (chairman)	\$150.00		\$150.00

	FY 2021	+/-	FY 2020
Cemetery Commissioners (each, 2 members)	\$125.00		\$125.00
Constable	\$475.00		\$475.00
Tree Warden	\$1,250.00		\$1,250.00
Library Trustees (chairman)	\$120.00		\$120.00
Library Trustees (each, 2 members)	\$100.00		\$100.00
School Comm Reps (each, 2 members)	\$825.00		\$825.00

A motion was made, seconded and so voted to approve Article #10 by a show of cards.

#### **General Government**

**Article 11:** To see if the Town will vote to raise and appropriate the amounts recommended, or any other amounts, for the following purposes, or take any other vote in relation thereto. (Line 34 is Not Recommended by the Finance Committee. All other lines in Article 11 are Recommended by the Finance Committee)

		FY 2021	+/-	FY 2020
1	Moderator	\$145.00	\$ -	\$145.00
2	Selectmen Salaries	\$8,550.00	\$ -	\$8,550.00
3	Selectmen Expenses	\$4,150.00	\$1,150.00	\$3,000.00
4	Contingency	\$2,500.00	\$(2,500.00)	\$5,000.00
5	Conservation Commission Expenses	\$1,450.00	\$(250.00)	\$1,700.00
6	Conservation Commission Clerical	\$900.00	\$ -	\$900.00
7	Town & Labor Counsel (formerly Town Counsel)	\$15,000.00	\$5,000.00	\$10,000.00
8	Town Administrator Salary	\$40,208.00	\$634.00	\$39,574.00
9	Administrative Secretary Salary	\$33,852.00	\$2,651.00	\$31,201.00
10	Website	\$3,975.00	\$ -	\$3,975.00
11	Finance Committee Expenses	\$500.00	\$ -	\$500.00
12	Finance Committee Clerical	\$750.00	\$750.00	\$ -
13	Accounting Officer Salary	\$19,377.00	\$306.00	\$19,071.00
14	Accounting Officer Expenses	\$4,515.00	\$ -	\$4,515.00
15	Assessors Salaries	\$6,000.00	\$ -	\$6,000.00
16	Assessors General Expenses	\$850.00	\$(1,000.00)	\$1,850.00
17	Assessors Tax Map Update	\$2,500.00	\$ -	\$2,500.00
18	Assessors Property Cards Online	\$1,660.00	\$20.00	\$1,640.00
19	Assessors Clerk Salary	\$22,568.00	\$2,850.00	\$19,718.00
20	Assessors Computer Contract	\$4,855.00	\$84.00	\$4,771.00
21	Assessors Revaluation Account	\$16,500.00	\$ -	\$16,500.00
22	Tax Collector Computer Service	\$7,480.00	\$(460.00)	\$7,940.00
23	Tax Collector Department Salaries	\$27,780.00	\$294.00	\$27,486.00
24	Tax Collector Expenses	\$6,415.00	\$160.00	\$6,255.00
25	Treasurer Salary	\$ -	\$(18,994.00)	\$18,994.00
26	Assistant Treasurer Salary	\$ -	\$(2,000.00)	\$2,000.00
27	Treasurer Department Salaries	\$24,006.00	\$24,006.00	\$ -
28	Treasurer Expenses	\$2,586.00	\$(714.00)	\$3,300.00
29	Treasurer Software	\$4,495.00	\$520.00	\$3,975.00

		FY 2021	+/-	FY 2020
30	Tax Title (Collector)	\$ -	\$(800.00)	\$800.00
31	Tax Title (Treasurer)	\$ -	\$(2,000.00)	\$2,000.00
32	Town Clerk Salary	\$37,676.00	\$4,055.00	\$33,621.00
33	Town Clerk Expenses	\$1,000.00	\$(1,200.00)	\$2,200.00
34	Town Records Preservation	\$2,500.00	\$(2,500.00)	\$5,000.00
35	Election Expenses	\$3,830.00	\$(695.00)	\$4,525.00
36	Election Compensation	\$1,000.00	\$1,000.00	\$ -
37	Street Listing	\$800.00	\$ -	\$800.00
38	Agricultural Commission Expenses	\$250.00	\$ -	\$250.00
39	Planning Board Expenses	\$900.00	\$ -	\$900.00
40	Planning Board Clerical	\$1,500.00	\$ -	\$1,500.00
41	Board of Appeals	\$300.00	\$ -	\$300.00
42	Clerical	\$9,270.00	\$146.00	\$9,124.00
43	Town Hall Expenses	\$39,500.00	\$5,000.00	\$34,500.00
44	Town Hall Custodian	\$8,760.00	\$138.00	\$8,622.00
45	Town Officers Bonds	\$1,000.00	\$(500.00)	\$1,500.00
46	Printing	\$1,900.00	<u>\$ -</u>	\$1,900.00
	Total Article 11	\$373,753.00	\$15,151.00	\$358,602.00

A motion was made, seconded and so voted to approve Article #10 by a show of cards.

#### **Highways/Public Works**

**Article 12:** To see if the Town will vote to raise and appropriate the amounts recommended for the following purposes, or take any other vote in relation thereto.

(Line 2 is Not Recommended by the Finance Committee. All other lines in Article 12 are Recommended by the Finance Committee)

		FY 2021	+/-	FY 2020
1	Roads and Bridges Salaries	\$349,408.00	\$7,554.00	\$341,854.00
2	Roads and Bridges Expenses	\$233,000.00	\$50,000.00	\$183,000.00
3	Propane	\$ -	\$(10,000.00)	\$10,000.00
4	Diesel Fuel	\$ -	\$(40,000.00)	\$40,000.00
5	Fuel: Propane & Diesel	\$45,900.00	\$45,900.00	\$ -
6	Winter Roads	\$266,334.00	\$ -	\$266,334.00
7	Street Lights	\$5,500.00	\$652.00	\$4,848.00
8	Highway Department Expenses	\$33,801.00	\$4,901.00	\$28,900.00
9	Machinery Expense	\$78,000.00	\$(2,000.00)	\$80,000.00
10	Cemetery Officers Stipends	\$400.00	\$ -	\$400.00
11	Cemetery Salaries	\$39,296.00	\$619.00	\$38,677.00
12	Cemetery Expenses	\$2,900.00	\$ -	\$2,900.00
	Total Article 12	\$1,054,539.00	\$57,626.00	\$996,913.00

A motion was made, seconded and so voted to approve Article #12 by a show of cards, except for line #2 which was put on hold for discussion. Ms. Michele McAuley,

member of the Finance Committee made an amendment motion to reduce the amount to \$203,000.00. Mrs. Barbara Marchione, another member of the Finance Committee stated that not all members of the committee agreed with amount being reduce \$30,000.00 and the three (3) of the members agree with the Board of Selectmen amount on the warrant of \$233,000.00. Mr. Steven Klein, Chair of the Finance Committee mentioned that by reducing the amount it would offset the stabilization Fund. Mrs. Sandy Fusco-Walker another member of the Finance Committee mentioned that this needs to be done and if we don't save for capital needs we'll have to borrow funds, and this should be addressed for the future needs. Mr. Charles Loring, Highway Superintendent stated that the amount should stay the as has presented on the warrant. There are forty-eight (48) miles of dirt roads in town, which uses a lot of gravel. Ms. McAuley mentioned this amount represented is an increase of 11%. Mr. Doug Newman member of the Finance Committee stated that he is in agreement with the Highway Superintendent, and he would recommend that voters vote no on this amendment since the Highway Superintendent knows what he is accomplishing. After discussion the amendment motion fails in the amount of \$203,000.00. The original motion to approve Line # 2 was approved by a show of cards for \$233,000.00.

#### **Schools**

**Article 13:** To see if the Town will vote to raise and appropriate the amounts recommended for the following purposes, or take any other vote in relation thereto. (*Recommended by the Finance Committee*)

		FY 2021	+/-	FY 2020
1	SBRSD Operating and Transportation	\$2,841,216.00	\$131,674.00	\$2,709,542.00
2	SBRSD Capital (Includes Bond)	\$122,386.00	\$(33,753.00)	\$156,139.00

Total Article 13 \$2,963,602.00 \$97,921.00 \$2,865,681.00 A motion was made, seconded and so voted to approve Article #13 by a show of cards.

**Article 14:** To see if the Town will vote to raise and appropriate the sum of \$1,650.00 for School Committee Representatives Compensation, or take any other vote in relation thereto. (*Recommended by the Finance Committee*)

A motion was made, seconded and so voted to approve Article #14 by a show of cards.

#### **Culture and Recreation**

**Article 15:** To see if the Town will vote to raise and appropriate the amounts recommended for the following purposes, or take any other vote in relation thereto. (*Recommended by the Finance Committee*)

		FY 2021	+/-	FY 2020
1	Library Expenses	\$47,857.00	\$938.00	\$46,919.00
2	Library Salaries	\$64,936.00	\$3,621.00	\$61,315.00
3	Library Trustees Stipends	\$320.00	\$ -	\$320.00

	FY 2021	+/-	FY 2020
Historical Commission Clerical	\$300.00	\$ -	\$300.00
Historical Commission Expenses	\$700.00	\$200.00	\$500.00
Umpachene Falls Park Expenses	\$3,000.00	\$(1,000.00)	\$4,000.00
Care of Village Green	\$4,089.00	\$(234.00)	\$4,323.00
Cultural Council Expenses	\$1,250.00	\$ -	\$1,250.00
Memorial Day	<u>\$700.00</u>	<u>\$ -</u>	<u>\$700.00</u>
<b>Total Article 15</b>	\$123,152.00	\$3,525.00	\$119,627.00
	Memorial Day	Historical Commission Expenses \$700.00 Umpachene Falls Park Expenses \$3,000.00 Care of Village Green \$4,089.00 Cultural Council Expenses \$1,250.00 Memorial Day \$700.00	Historical Commission Clerical       \$300.00       \$ -         Historical Commission Expenses       \$700.00       \$200.00         Umpachene Falls Park Expenses       \$3,000.00       \$(1,000.00)         Care of Village Green       \$4,089.00       \$(234.00)         Cultural Council Expenses       \$1,250.00       \$ -         Memorial Day       \$700.00       \$ -

A motion was made, seconded and so voted to approve Article #15 by a show of cards.

#### **Protection of Persons and Property**

Article 16: To see if the Town will vote to raise and appropriate the amounts recommended for the following purposes, or take any other vote in relation thereto. (Lines 9 and 21 are Not Recommended by the Finance Committee. All other line items in Article 16 are Recommended by the Finance Committee)

		FY 2021	+/-	FY 2020
1	Police Department Salaries	\$171,159.00	\$10,106.00	\$161,053.00
2	Police Department Expenses	\$30,000.00	\$3,750.00	\$26,250.00
3	Police Department Rental	\$6,000.00	\$ -	\$6,000.00
4	Constable Stipend	\$475.00	\$ -	\$475.00
5	Constable Expenses	\$50.00	\$ -	\$50.00
6	Fire Protection	\$64,000.00	\$2,000.00	\$62,000.00
7	Fire Fighters Stipends	\$36,500.00	\$ -	\$36,500.00
8	Fire Department Clerical	\$1,700.00	\$ -	\$1,700.00
9	NM Rescue Clerical	\$7,072.00	\$2,080.00	\$4,992.00
10	Building Inspector Expenses	\$3,315.00	\$(160.00)	\$3,475.00
11	Building Inspector Salary	\$24,877.00	\$3,345.00	\$21,532.00
12	Alternate Building Inspector Compensation	\$500.00	\$(500.00)	\$1,000.00
13	Building Inspector Software	\$3,010.00	\$20.00	\$2,990.00
14	Emergency Management Stipend	\$4,450.00	\$120.00	\$4,330.00
15	Emergency Management Expenses	\$2,000.00	\$(450.00)	\$2,450.00
16	Animal Control Officer	\$6,000.00	\$2,289.00	\$3,711.00
17	Animal Control Officer Expenses	\$3,000.00	\$3,000.00	\$ -
18	Animal Inspector Compensation	\$2,000.00	\$500.00	\$1,500.00
19	Animal Inspector Expense	\$825.00	\$ -	\$825.00
20	Tree Warden Salary	\$1,250.00	\$ -	\$1,250.00
21	Tree Work	\$25,000.00	\$5,000.00	\$20,000.00
22	911 Coordinator Expenses	\$100.00	\$ -	\$100.00
23	Emergency Notification System	\$2,582.00	\$(118.00)	\$2,700.00
24	Berkshire County Communications	<u>\$10,910.00</u>	<u>\$318.00</u>	\$10,592.00
	Total Article 16	\$406,775.00	\$31,300.00	\$375,475.00

A motion was made, seconded and so voted to approve Article #16 by a show of cards except for lines #1 & 11 which were held for discussion. Mr. John Mullen made a

motion to amend the amount to \$185,159.00, which was seconded. Mr. Graham Frank, Police Chief stated that the goal is to provide needs to the residents. Mr. Frank also said that there is an increase of population and calls, two (2) part-time officers left for better jobs, and another two (2) part-time offices have full time jobs. Mr. Frank also mentioned that the department is working with the Board of Selectmen and the HR committee to bring all salaries in range with other towns. Mr. Doug Newman, member of the Finance Committee stated that he is in favor of this increase and in the past the Town Meeting approved more shift coverage, and staff should be properly paid. Mr. Steven Klein, Chair of the Finance Committee stated that the committee works on the budget which is a process of six (6) months, and budgets are submitted by department heads. Mr. Charles Loring mentioned that last year some employees spoke and received salary increase, and we should support the Police Chief. A voter stated that if you look at the 5 Village News you will see there is only a few log calls and the Police Department has responded to many more calls. Another voter mentioned that we need to support the increase since in the past the Chief trains officers and buys equipment and the officer leaves, we need to have coverage and support the Chief. Another voter mentioned that they had attended the Annual Town Meeting last year and felt pressured to support the increase of salaries for town hall employees and feels safe in Town. Ms. Michel McAuley member of the Finance Committee mentioned that the committee has accomplished their goals with the budget and the HR amounts are in the warrant articles. Mrs. Sandy Fusco-Walker member of the Finance Committee mentioned that the committee is volunteers and they study the budgets submitted and try to work with departments. Mrs. Barbara Marchione member of the Finance Committee mentioned that we need to have coverage for all shifts since the Police Department have a lot of different things to do. A voter inquired if this increase is to hire more staff or to pay the current employees. Mr. Frank, Police Chief mentioned that at the time of submitted the budget six months ago his staff was adequate, and the goal is to be available to the residents. A voter mentioned that maybe the officers should sign a contract like nurses do. A voter mentioned that an as former Town employee they know that the officers are out risking their lives on the job and don't receive much money. Mr. Doug Newman mentioned that he is concerned about new growth, he believes that the Town should be able to afford the increase from all the new homeowners, and he encourages voters to vote yes on the increase. After discussion the amendment motion for line #1 in the amount of \$185,159.00 was approved by a hand count of 53 in favor to 31 not in favor. A voter inquired on why such an increase for Line #11. Ms. Mari Enoch, Town Administrator mentioned the amount is to cover a leave of absence for a personnel issue for staffing. The voter inquired on is this amount for one or two employees and why can't the fees assist with paying employees. Ms. Enoch stated that it's too early to know how many employees are needed to cover the office. Ms. White, Chairman of the Board of Selectmen mentioned that fees don't go into a revolving fund the fees goes into the general fund, and the HR study showed that office in Line #11 is under paid and all employees received a 1.6 increase. After discussion Line #11 was approved by a show of cards.

**Article 17:** To see if the Town will vote to transfer the amount of \$30,470.00 from the

New Marlborough Rescue/Comstar Reserved Account, or any other amount, and to appropriate said amount, or any other amount, to the New Marlborough Rescue Expense Account for the purpose of the operation of the ambulance, or take any other vote in relation thereto. (*Recommended by the Finance Committee*)

A motion was made, seconded and so voted to approve Article #17 by a show of cards.

**Article 18:** To see if the Town will vote to transfer the amount of \$34,140.00 from the New Marlborough Rescue/Comstar Reserved Account, or any other amount, and to appropriate said amount, or any other amount, to the New Marlborough Rescue Stipend Account for the purpose of staffing the ambulance, or take any other vote in relation thereto. (*Recommended by the Finance Committee*)

A motion was made, seconded and so voted to approve Article #18 by a show of cards.

#### **Health and Human Services**

Article 19: To see if the Town will vote to raise and appropriate the amounts recommended for the following purposes, or take any other vote in relation thereto. (Lines 4 and 7 are Not Recommended by the Finance Committee. All other lines in Article 19 are Recommended by the Finance Committee)

		FY 2021	+/-	FY 2020
1	Household Hazardous Waste	\$1,885.00	\$(1,275.00)	\$3,160.00
2	Board of Health Salaries	\$1,250.00	\$ -	\$1,250.00
3	Board of Health Expenses	\$1,300.00	\$(200.00)	\$1,500.00
4	Board of Health Clerical	\$6,500.00	\$1,496.00	\$5,004.00
5	Board of Health Software Expense	\$2,100.00	\$350.00	\$1,750.00
6	Transfer Station Expenses	\$85,000.00	\$10,000.00	\$75,000.00
7	Transfer Station Salaries	\$28,776.00	\$1,248.00	\$27,528.00
8	Community Health Program	\$ -	\$(1,000.00)	\$1,000.00
9	Visiting Nurse Association	\$2,580.00	\$(1.00)	\$2,581.00
10	Mental Health	\$ -	\$(200.00)	\$200.00
11	Berkshire Regional Purchasing	\$800.00	\$ -	\$800.00
12	Council on Aging Transportation	\$5,834.00	\$114.00	\$5,720.00
13	Council on Aging Expenses	\$250.00	\$ -	\$250.00
14	Commission on Disabilities Expenses	\$225.00	\$ -	\$225.00
15	Senior Tax Workoff Expenses	\$150.00	\$ -	\$150.00
16	ADA Coordinator	\$1,500.00	\$ -	\$1,500.00
	Total Article 19	\$138,150.00	\$10,532.00	\$127,618.00

A motion was made, seconded and so voted to approve Article #19 by a show of cards.

#### **Debt and Interest**

**Article 20:** To see if the Town will vote to raise and appropriate the amounts recommended for the following purposes, or take any other vote in relation thereto.

(Recommended by the Finance Committee)

		FY 2021	+/-	FY 2020
1	2015 Highway Truck	\$ -	\$(45,492.00)	\$45,492.00
2	2015 Fire Truck	\$68,200.00	\$(2,200.00)	\$70,400.00
3	2019 Grader	\$44,200.00	\$(1,300.00)	\$45,500.00
	Total Article 20	\$112,400.00	\$(48,992.00)	\$161,392.00

A motion was made, seconded and so voted to approve Article #20 by a show of cards.

#### **Unclassified Expenses**

Article 21: To see if the Town will vote to raise and appropriate the recommended amounts, for the following purposes, or take any other vote in relation thereto. (Line 13 is Not Recommended by the Finance Committee. All other line items in Article 21 are Recommended by the Finance Committee)

		FY 2021	+/-	FY 2020
1	Berkshire County Retirement	\$163,865.00	\$5,850.00	\$158,015.00
2	Workers Compensation Insurance	\$ -	\$(16,500.00)	\$16,500.00
3	General Insurance	\$ -	\$(64,850.00)	\$64,850.00
4	Town Insurances	\$64,485.00	\$64,485.00	\$ -
5	Group Health Insurance (Formerly Group Insurance)	\$213,212.00	\$18,728.00	\$194,484.00
6	Insurance Reimbursement	\$4,000.00	\$(1,000.00)	\$5,000.00
7	Longevity Stipend	\$3,500.00	\$1,000.00	\$2,500.00
8	Medicare	\$17,572.00	\$2,678.00	\$14,894.00
9	Veterans District	\$6,629.00	\$(167.00)	\$6,796.00
10	Veterans Benefits Trust Chapter 115	\$10,000.00	\$ -\$10,000.00	
11	Berkshire Regional Planning	\$1,203.00	\$ -\$1,203.00	
12	Reserve Fund	\$50,000.00	\$ -	\$50,000.00
13	Nonexempt Employee Contingency	\$1,500.00	\$1,500.00	<u>\$ -</u>
	Total Article 21	\$535,966.00	\$11,724.00	\$524,242.00

A motion was made, seconded and so voted to approve Article #21 by a show of cards except for line #8 which was held for discussion. A voter inquired on if line #8 includes police details. Ms. Enoch mentioned that when officers that are employed by the Town then it goes through the payroll system. Mrs. Sandy Fusco-Walker mentioned that is was explained to the Finance Committee that if the detail work is done out of town the town doesn't get the 10%. After discussion Line #8 was approved by a show of cards.

**Article 22:** To see if the Town will vote to raise and appropriate the sum of \$ 75,000.00 or any other amount, for the purpose of funding the Stabilization Fund, or take any other vote in relation thereto. (*Not Recommended by the Finance Committee*)

A motion was made, seconded. Ms. Michele McAuley member of the Finance Committee made an amendment motion to raise and appropriate the amount to \$112,500. Ms. McAuley mentioned that we need to plan for capital needs, such as police, and road project, vehicles, town buildings and it would benefits the Town if we put more into savings. A voter inquired on how much is in Stabilization now. The answer is \$857,000.00, Ms. Tara White, Chair of the Selectmen mentioned at this time there

are no written plans. A voter stated that she has been into the other towns around New Marlborough and she is shamed of our Town Hall conditions. Mr. Richard Long, member of the Selectmen mentioned that the Selectboard recommends the amount of \$75,000.00 which is the amount in the signed warrant, and that the Town will need have to be feasible about setting goals. Mr. Long also mentioned that the budget is just ½ percent, except for the police increase and if approved it will affect the tax rate. A voter made a motion to call to the amendment motion. The amendment motion fails by a show of cards. The original motion to approve Article #22 as presented was approved by a show of cards.

**Article 23:** To see if the Town will vote to transfer the sum of \$198,000.00 or any other amount, from Free Cash and appropriate said amount, or any other amount, to the Roads Projects Account for the purpose of repairing town roads, or take any other vote in relation thereto. (*Recommended by the Finance Committee*)

A motion was made, seconded and so voted to approve Article #23 by a show of cards.

**Article 24:** To see if the Town will vote to transfer the sum of \$75,000.00, or any other amount, from Free Cash, and appropriate said amount, or any other amount, to the Highway Roller account, for the purpose of purchasing a used roller, and to authorize the sale or trade in of the current roller, or take any other vote in relation there to. (**Recommended by the Finance Committee**)

A motion was made, seconded and so voted to approve Article #24 by a show of cards.

**Article 25:** To see if the Town will vote to transfer the sum of \$51,000.00 or any other amount, from Free Cash and appropriate said amount, or any other amount, to the 2021 Police Cruiser Account for the purpose of purchasing and equipping a new police cruiser, or to take any other vote in relation thereto. (Recommended by the Finance Committee) A motion was made, seconded and discussed. A voter mentioned that the Town currently owns two (2) cruisers and the Town of Sheffield received a grant that covers 75%. Mr. Graham Frank, Police Chief mentioned that the newest cruiser has over 100,000 miles and while on a call he had to have the older cruiser towed away.

After discussion Article #25 was approved by a show of cards.

**Article 26:** To see if the Town will vote to transfer the sum of \$8,200.00, or any other amount, from Free Cash and appropriate said amount, or any other amount, to the Radio Repeater Account for the purpose of purchasing and installing a radio repeater, or to take any other vote in relation thereto. (*Recommended by the Finance Committee*)

A motion was made, seconded and so voted to approve Article #26 by a show of cards.

**Article 27:** To see if the Town will vote to transfer the sum of \$7,500.00 or any other amount, from Free Cash and appropriate said amount, or any other amount, to the Umpachene Falls Park Erosion Account for the purpose of funding design, permitting, and construction to stabilize the riverbank in Umpachene Falls Park, or to take any other vote in relation thereto. (**Recommended by the Finance Committee**)

A motion was made, seconded and so voted to approve Article #27 by a show of cards. Article 28: To see if the Town will vote to transfer the sum of \$7,000 or any other

amount, from Free Cash and appropriate said amount, or any other amount, to the Firehose Account for the purpose of purchasing fire hose, or to take any other vote in relation thereto. (*Recommended by the Finance Committee*)

A motion was made, seconded and so voted to approve Article #28 by a show of cards.

**Article 29:** To see if the Town will vote to transfer the sum of \$3,240 or any other amount, from Free Cash and appropriate said amount, or any other amount, to the Highway Yard Camera Security Account for the purpose of purchasing and installing a camera security system at the Town Highway Yard, or to take any other vote in relation thereto. (*Recommended by the Finance Committee*)

A motion was made, seconded and so voted to approve Article #29 by a show of cards.

**Article 30:** To see if the Town will vote to fix the maximum amount that may be spent during fiscal year 2021 without further appropriation for the revolving funds established in the General By-Laws for certain departments, boards, committees, agencies, or other officers in accordance with MGL Chapter 44, Section 53E ½ as follows, or take any other vote in relation thereto:

Authorized Revolving Funds	FY 2021 Spending Limit
Plumbing Inspector	\$7,500.00
Gas Inspector	\$5,000.00
Electrical Inspector	\$30,000.00
Board of Health	\$17,000.00
Tax Title Fees	\$25,000.00

A motion was made, seconded and so voted to approve Article #30 by a show of cards.

**Article 31: CITIZEN'S PETITION:** To see if the Town will vote to amend Section 3.4.1 of the Protective Bylaw for the Town of New Marlborough by adding new language as found in brackets into Section 3.4.1 "The following uses are permitted if approved, after a public hearing thereon, by permit from the Board of Selectmen [and with written consent and approval of 2/3 of the abutters as notified for said hearing] and who shall determine that the use will not be injurious, noxious or offensive, and that such use.

A motion was made, seconded. Moderator Shapiro mentioned that this article needs to be approved by a 2/3 vote, and called on the Planning Board to speak. Mr. Mark Carson, Chairman of the Planning Board stated that the board hasn't made any decisions on this article. Mrs. Cindy Shmulsky one of the citizens in favor of the petition made a amendment motion to Section 3.4.1 to state that if a special permit is approved by the Board of Selectmen for a new permitted use to this Section after 3.4.1.14, then a 2/3 vote of approval at Town Meeting would also be required. Mrs. Shmulsky extended her thanks the Board of Selectmen and the Planning Board. Mr. Jeremia Pollard, Town Counsel mentioned that in his opinion this article will not be approval by the Attorney General, and voters wouldn't be able to vote on a special permit at Town Meetings, only the Board of Selectmen, Planning Board, and Zoning Board of Appeals can vote on special permits. Mrs. Schmulsky mentioned that this article with the amendment, if approved, a special permit then a town meeting would be required. Mr. Daniel Doern, former Planning Board Chair mentioned that all

special permits go through a public process and abutters are notified, and anyone call attend the hearing and have input. Mr. Doug Newman is in favor of this amendment stating that that it is to protect the residents. Mr. Mark Carson mentioned that the Planning Board wasn't given the information for the amendment on time to place it on their agenda for discussion. A voter mentioned that the town needs to grow, but doesn't want any changes. Ms. Michele McAuley made a motion to table this article, motion was seconded and so carries.

**Article 32:** To see if the Town will vote to adopt the proposed zoning amendments to the Town of New Marlborough's Protective By-Laws to regulate Medical Marijuana Establishments and Marijuana Research Facilities by removing Section 8.10, 8.10.1, 8.10.2, and 8.10.3 (which established and described the Temporary Moratorium on Marijuana Establishments which expired on June 30, 2019) and adding a Section 8.10 to establish regulations to govern the number, the size, the physical configuration, and locations of establishments; and also adding sections 3.4.1.15 and 3.4.1.16 adding Medical Marijuana Establishments and Marijuana Research Facilities to the list of Uses by Special Permit Only. These amendments are more particularly published in the supplementary document, copies of which are available in the Town Clerk's office, on the Town website, and provided at the Annual Town Meeting, or take any other vote in relation thereto.

A motion was made, seconded. Mr. Mark Carson, Planning Board Chair reported that the board has been has been working on this for the last few years and it was created very well with only two (2) being allowed in Town. A voter was concerned about the section for rural district and that if proposed bylaws is approved, then the voter has concerns about New Marlborough being in tier 3 and feels that this is too big for the Town (voter comment on the size - no other town around New Marlborough us anything is big). The voter also was concerned that the hearing was done earlier in the year. Mr. Daniel Doern, former Planning Board Chair mentioned that this was worked on and the (Planning Board) thought that Town Meeting was happening in May, and that's why the public hearing was earlier. Mr. Doern stated that in 2012 legislation was approved and in 2016 it was legislation was approved for adults. Mr. Doern stated that there is a total of eleven (11) tiers. An amendment motion was made, and seconded to remove the word AND in both A. & B. of the dimensional requirements for rural tables on page eight (8) of the proposed bylaws. After a brief discussion the amendment to remove AND from A. & B. fails by a show of cards. Moderator declared that Article #32 was unanimously approved as presented.

#### **PROPOSED CHANGES** shown in the context of the existing Bylaw

- Proposed changes are presented in italics underlined font
- Proposed deletions are presented in strikethrough font
- Comments are provided in a comment box for informational purposes only and are not intended to become part of the Protective Bylaws

#### SECTION 3: PERMITTED USES/USE REGULATIONS

COMMENT: Medical Marijuana Treatment Center and Marijuana Research Facility are added to the list of Uses by Special Permit Only in Section 3.4.

- **3.4** Uses by Special Permit Only: The following uses may only be allowed by special permit in both the Rural Residential District and Village Center Residential District:
- 3.4.1 The following uses are permitted if approved, after a public hearing thereon, by permit from the Board of Selectmen who shall determine that the use will not be injurious, noxious or offensive, and that such use is consistent with the intent of the by-law.
  - 3.4.1.1 Commercial Greenhouses
  - 3.4.1.2 Gallery
  - 3.4.1.3 Sawmill
  - 3.4.1.4 Antique, craft or gift shop
  - 3.4.1.5 Summer camp, golf course, boat livery, riding stable
  - 3.4.1.6 Ski tow
  - 3.4.1.7 Restaurant
  - 3.4.1.8 Facility for generating power from wind, sun or water
  - 3.4.1.9 Enclosed veterinary hospital
  - 3.4.1.10 Municipal and public service buildings, structures and use
  - 3.4.1.11 Display and sale of natural products, the major portion of which are raised outside of Town
  - 3.4.1.12 Scrap and salvage yard
  - 3.4.1.13 Sales and service of vehicles
  - 3.4.1.14 Accessory Dwelling either new construction or modification of an existing freestanding building constructed after May 5, 2003.
  - 3.4.1.15 Medical Marijuana Treatment Center
  - 3.4.1.16 Marijuana Research Facility

#### SECTION 8.10: ZONING BOARD OF APPEALS AND SPECIAL PERMITS

COMMENT: The description of the expired Temporary Moratorium on Marijuana Establishments in Section 8.10 is replaced with a new Section 8.10 regulating Marijuana Establishments and Medical Marijuana Treatment Centers

#### 8.10 Temporary Moratorium on Marijuana Establishments

8.10.1 Purpose By vote at the State election on November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, manufacture, processing, distribution, sale, possession, testing and use of marijuana. The law provides that it is effective on December 15, 2016, and that a new state agency, the Cannabis Control Commission, is required to issue regulations regarding implementation by March 15, 2018. The regulation of Marijuana Establishments, however, raises novel and complex legal, planning, and public safety issues. The Town needs time to consider and address these issues, as well as the potential impact of the forthcoming Cannabis Control Commission regulations, by means of a comprehensive planning process to consider amending the Zoning Bylaws to regulate Marijuana Establishments. The temporary moratorium provided in Section 8:10 is intended to allow sufficient time for the Town to engage in such a planning process and to adopt suitable Zoning

Bylaw provisions in a manner consistent with sound land-use planning objectives.

- 8.10.2 Definitions 29 8.10.2.1 Marijuana Establishment: A marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer, or any other type of marijuana related business subject to regulation under Chapter 94G of the Massachusetts General Laws; provided, however, that a Registered Medical Marijuana Dispensary shall not be deemed to be a Marijuana Establishment.
- 8.10.3 Temporary Moratorium For the reasons set forth above and notwithstanding any other Provision of the Zoning Bylaws to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures as a Marijuana Establishment. The moratorium shall be in effect through June 30, 2019. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of Marijuana Establishments and other related land uses and structures, consider the Cannabis Control Commission regulations regarding Marijuana Establishments when they are issued, and shall consider adopting new provisions of the Zoning Bylaws governing the location, operation and effects of Marijuana establishments for consideration by a future Town Meeting. (STM 04.13.18; AG 08.28.18)

#### 8.10 MARIJUANA ESTABLISHMENTS AND MEDICAL MARIJUANA TREATEMENT CENTERS

#### **8.10.1 PURPOSE:**

The purpose of this Section 8.10 is to provide for the placement of Marijuana Establishments and Medical Marijuana Treatment Centers in suitable locations in the Town of New Marlborough (the "Town") as allowed in Section 20 of the bylaws of the Town and in recognition of and in accordance with "The Regulation of the Use and Distribution of Marijuana Not Medically Prescribed," M.G.L. c. 94G and "Medical Use of Marijuana," M.G.L. c. 94I. A specific purpose of this Section 8.10 is to safeguard the Town and the Town's built and natural environments by ensuring compliance with state law in a manner consistent with community and neighborhood concerns, while also ensuring that those entities permitted to operate a Marijuana Establishment or a Medical Marijuana Treatment Center, as defined herein, comply with the relevant provisions of Chapter 334 of the Acts of 2016, Chapter 351 of the Acts of 2016, Chapter 55 of the Acts of 2017, and the regulations promulgated by the Cannabis Control Commission found at 935 CMR 500.000 and 935 CMR 501.000 et seq. This Section 8.10 is intended to provide additional local protections to the Town not included in the preceding regulations.

**8.10.2 DEFINITIONS** (for the purposes of this Section 8.10 only):

**BUILDING HEIGHT** – As defined by applicable building code.

BUILDING FOOTPRINT – The area on a project site used by the building structure or structures defined by the perimeter of the building plan.

# CANNABIS CONTROL COMMISSION OF THE COMMONWEALTH OF MASSACHUSETTS (CCC).

**GROSS BUILDING AREA** – The area included within surrounding exterior walls exclusive of vent shafts and courtyards. Areas of the building not provided with surrounding walls shall be included in the building area if such areas are included within the horizontal projection of the roof or floor above. Non-mechanical underground building area shall be included in the Gross Building Area.

**HOST COMMUNITY AGREEMENT** (HCA) – A required municipal process separate and apart from the CCC licensing process described in 935 CMR 501.000 and 502.000 and in the CCC Guidance Letter – Guidance for Host Community Agreements.

### **INDOOR CULTIVATION** – Growing marijuana plants in:

- A. A Building. Defined as any structure used or intended for supporting or sheltering any use or occupancy including a purpose-built metal, modular or pre fabricated structure.
- B. A permanent greenhouse.

**LIMIT OF CONSTRUCTION** (LOC) – The boundary, determined by setbacks from applicable property lines, inside of which all structures and constructed features shall be located. For this definition structures and constructed features include:

- A. Buildings
- B. Fences
- C. Parking surfaces and associated structures
- D. Service structures such as garages, utility sheds and mechanical equipment enclosures.
- E. Mechanical equipment
- F. Greenhouses permanent and temporary
- G. Porches or other covered exterior spaces
- H. Loading docks and delivery areas
- I. Security buildings and equipment
- J. Underground spaces
- K. Outdoor cultivation
- L. Site lighting

Signage (including address, business identification, and way finding signs, subject to local controls), entry driveway lighting, landscaping and certain decorative features may be placed on the property outside of the LOC.

MARIJUANA or CANNABIS – All parts of any plant of the genus Cannabis, not excepted in 935 CMR 500.002: Cannabis or Marijuana (a) through (c) and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; clones of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in M.G.L. c. 94G, § 1; provided that Cannabis shall not include: (a) the mature stalks of the plant, fiber produced from the

stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination; (b) hemp; or (c) the weight of any other ingredient combined with Cannabis or Marijuana to prepare topical or oral administrations, food, drink or other products.

MARLIUANA ESTABLISHMENT (ME) – For the purposes of this bylaw, going forward, a ME refers exclusively to a Marijuana Research Facility.

MARIJUANA or CANNABIS PRODUCTS (MP) – Marijuana or Cannabis Products means Marijuana or Cannabis and its products, unless otherwise indicated. Marijuana or Cannabis Products includes products that have been manufactured and contain Marijuana or Cannabis or an extract from Marijuana or Cannabis, including concentrated forms of Marijuana and products composed of Marijuana and other ingredients that are intended for use or consumption, including edible Cannabis Products, beverages, topical products, ointments, oils and tinctures. Cannabis or Marijuana Products include Marijuana-infused Products ("MIP") defined in 935 CMR 500.002,

MEDICAL MARIJUANA TREATMENT CENTER (MTC) – Formerly known as a Registered Marijuana Dispensary (RMD), means an entity licensed under 935 CMR 501.101: Application Requirements for Medical Marijuana Treatment Center, that acquires, cultivates, possesses, processes (including development of related products such as edible Marijuana, MPs, MIPs, tinctures, aerosols, oils, or ointments), transports, sells, distributes, delivers, dispenses, or administers Marijuana, products containing Cannabis or Marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers for medical use. Unless otherwise specified, MTC refers to the site(s) of dispensing, cultivation, and preparation of Cannabis or Marijuana for medical use or as amended by the CCC.

**OUTDOOR CULTIVATION** – The cultivation of mature Cannabis without the use of artificial lighting in the canopy area at any point in time. Artificial lighting is permissible only to maintain immature or vegetative Mother Plants.

Growing marijuana plants in:

- A. An open field.
- B. In the ground or in raised beds on the ground with no cover.
- C. A temporary greenhouse, hoop house, high tunnel or cold frame.

#### **RURAL RESIDENTIAL DISTRICT (RRD)**

**RESEARCH FACILITY** – An entity licensed to engage in research projects by the CCC. This entity is allowed to cultivate, purchase, and/or acquire Marijuana to conduct research regarding Marijuana and Marijuana Products.

**SPECIAL PERMIT GRANTING AUTHORITY (SPGA)** – The SPGA is the Board of Selectmen of the Town.

STORY – Floors above grade plane, as defined by applicable building code.

#### VILLAGE CENTER RESIDENTIAL DISTRICT (VCRD)

# 8.10.3 DESIGNATED LOCATIONS AND DIMENSIONAL REQUIREMENTS FOR MES AND MTCs

- 8.10.3.1 MEs prohibited by Section 20 of the bylaws of the Town are prohibited from operating in all zoning districts in the Town.
- 8.10.3.2 MEs and MTCs are permitted to operate in the Town per the following table:
- 8.10.3.2 Schedule of Dimensional Requirements.
- 8.10.3.3 The re-use of existing buildings is encouraged; dimensional requirements may be modified or waived for re-used structures upon approval from the SPGA. A plan of the entire proposed campus must be included in the Special Permit application.
- 8.10.3.4 No ME or MTC shall be located within one thousand feet (1,000') of a pre-existing licensed day care facility, public or private school providing education in Pre-K, kindergarten or any of grades one through 12. In addition, no ME or MTC shall be located within five hundred feet (500') of any pre-existing facility where children commonly congregate, including a library. These distances shall be measured from the nearest lot line of the relevant property to the nearest lot line of the property to be used for Marijuana purposes.
- 8.10.3.5 No ME with an outdoor cultivation component shall be located within five hundred feet (500') of the boundary of a VCRD, as measured to the nearest property line of the ME.

#### 8.10.4 DESIGNATED NUMBER OF MES AND MTCs

- 8.10.4.1 The total number of MEs shall not exceed one (1). All allowed activities shall be co-located on one lot.
- 8.10.4.2 The total number of MTCs shall not exceed one (1). All allowed activities (cultivation, preparation and dispensary) shall be co-located on one lot.

#### 8.10.5 SPECIAL PERMIT REQUIRED

- 8.10.5.1 No ME or MTC shall be operated or expanded without first obtaining a Special Permit from the Town SPGA in accordance with Section 8.3 of the Protective Bylaw of the Town.
- 8.10.5.3 A Special Permit shall only be valid for use by the applicant and will become null and void upon the sale or transfer of the license of an ME or MTC or change in the location of the business.

8.10.5.4 In the event that the Commonwealth's licensing authority suspends the license or registration of a ME or MTC, the Special Permit shall be so suspended by the Town until the matter is resolved to the satisfaction of said licensing authority.

8.10.5.5 The Special Permit shall be considered null and void if meaningful construction has not begun on the project within one (1) year of obtaining said permit, as determined by the Building Inspector or their designee(s).

#### **8.10.6 DESIGN REQUIREMENTS FOR MES AND MTCs**

- 8.10.6.1 Permanent location. Except for outdoor cultivation, all marijuana uses shall be operated from a fixed location within a fully enclosed building.
- 8.10.6.2 Signage. All signage must comply with the regulations set forth in Section 6 of the Protective Bylaw of the Town and 935 CMR 105(4).
- 8.10.6.3 Lighting. With the exception of entry driveway lighting, outdoor lighting shall not spread beyond the LOC. All exterior lighting shall not impact surrounding properties and shall be shielded and downward facing. No lighting shall be directed or spread upward towards the sky.
- 8.10.6.4 Prohibition Against Nuisances. ME's and MTC's shall be located, constructed and operated in such a way to as to minimize noise, odor and environmental impacts. ME and MTC operations shall not create nuisance conditions anywhere on the ME's or MTC's property or on any surrounding properties. "Nuisance" includes, but is not limited to, disturbances of the peace, open public consumption of Marijuana, excessive pedestrian or vehicular traffic, odors emanating from the ME's or the MTC's premises, lighting, illegal drug activity under State law, harassment of passersby, excessive littering, excessive loitering, illegal parking, excessive loud noises, excessive citation for violations of State or local traffic laws, queuing of patrons (vehicular or pedestrian) in the public way (sidewalks and streets).
- 8.10.6.5 Odor Control and Ventilation. All ME's and MTC's containing an indoor cultivation component shall be equipped with an odor control filtration and ventilation system(s) based on the then current industry-specific best control technologies and best management practices. No operable windows or exhaust vents shall be located on any building façade. Exhaust vents on rooftops shall direct exhaust away from residential uses or zones. The building, or portion thereof, used for Marijuana dispensing shall be designed and equipped to prevent detection of Marijuana odors and other objectionable odors from within the LOC and beyond. All ME's and MTC's containing an indoor cultivation component shall be ventilated in such a manner, and all ME's and MTC's containing an outdoor cultivation component shall be situated on the property, so that no:
  - A. Pesicides, insecticides or other chemicals or products used in the cultivation or processing are dispersed into the outside atmosphere.
  - B. No odor from Marijuana cultivation, processing, sale, storage or consumption

- can be detected by a person with an unimpaired and otherwise normal sense of smell at any adjoining use or adjoining property.
- C. Exhaust systems to control odor shall be designed by a licensed professional air quality/environmental engineer recognized by the Commonwealth.
- 8.10.6.6 Landscaping. MEs and MTCs shall be landscaped to harmonize with surrounding uses. Landscaping must consist of native, non-invasive, evergreen plant species.
- 8.10.6.7 Parking. Off-street parking must be adequate for employees, guests, customers and visitors. Parking for MEs and MTCs located in a VCRD shall be located in the rear of the building or on the side of the building with a five-foot (5') minimum setback from the front face of the building.
- 8.10.6.8 Fencing. Fencing, in addition to that required by the CCC, may be required if determined necessary by the SPGA. Fencing will be shielded by landscaping with an original height of at least two-thirds the height of the fencing.
- 8.10.6.9 <u>Drive-Through. No ME or MTC shall be designed with a drive-through feature or provide drive-through service.</u>
- 8.10.6.10 Surrounding Character. MEs and MTCs shall conform to the character of the surrounding area.

#### **8.10.7 FILING REQUIREMENTS**

- 8.10.7.1 Applications for a Special Permit for a ME or MTC must be submitted to the SPGA. The application package must include seven (7) physical copies and one (1) electronic copy in PDF format provided on a flash drive, CD or similar electronic medium, or transmitted via email. Such applications shall include the following:
- 8.10.7.2 General Information. Required general information shall include:
  - A. The names, mailing addresses, phone numbers, email addresses, and signatures of the applicant, owner and operator.
  - B. Physical address (if one exists) and the map, lot and block number of the proposed site.
  - C. Ownership of adjacent land and location of buildings thereon.
  - D. Scope of operations detailing the specific activities, hours of operation and scale thereof to take place at the site.
- 8.10.7.3 Site Plan. All site plans must be drawn at an appropriate scale and be prepared by a professional engineer or licensed surveyor. The site plan(s) must include the following information:
  - A. Property lines of the proposed site and all those within six hundred feet (600') of the property.

- B. Elevation contour lines at two-foot vertical intervals.
- C. Outlines of all existing and proposed buildings and structures on the proposed site and those within six hundred feet (600') of the proposed site, including distances from the proposed ME or MTC.
- D. Existing and proposed access roads, driveway openings, public ways, private ways, parking areas, loading areas, and recreational trails on the proposed site.
- E. Delineation of all wetland resources and associated buffer areas in accordance with the Massachusetts Wetlands Protection Act guidelines and regulations.
- F. Locations of rare, threatened or endangered species existing on the site in accordance with the Natural Heritage Endangered Species Program (NHESP) guidelines and regulations.
- G. Proposed changes to the site, including grading, cut and fill, landscaping, native vegetation for screening and vegetation to be removed or altered.
- H. Engineering controls at the site and on the driveway or access road to control erosion and sedimentation both during construction and after construction as a permanent measure. Such engineering controls shall conform to the Massachusetts Department of Environmental Protection's Stormwater Policy.
- 8.10.7.4 Building Design. Schematic drawings of the ME or MTC showing the proposed interior layout and exterior elevations of the establishment.
- 8.10.7.5 Security Plan. A security plan shall be submitted to ensure the safety of employees, patrons, and the public and to protect the premises from theft or other criminal activity. The security plan shall be reviewed and approved by the Town's Police Chief, or his/her designee. The Security Plan shall include the following:
  - A. An interior floor plan (including secured areas, windows, doors, etc.)
  - B. Exterior lighting
  - C. Fencing (if any)
  - D. Gates (if any)
  - E. Alarms
  - F. Any other security measures included in the Host Community Agreement.
- 8.10.7.6 Traffic Study. A traffic study that includes an analysis of traffic generation, circulation, and off-street parking demand to determine sufficient parking and optimum configuration for site ingress and egress shall be submit to the SPGA.
- 8.10.7.7 Photometric Plan and/or view shed analysis. The SPGA, or their designee, may require a photometric plan and/or view shed analysis, before or after the Marijuana use is in operation, in order to determine compliance with any provision of this Section 8.10 as deemed appropriate by the SPGA.
- 8.10.7.8 Water Usage Plan. A water usage plan (showing estimated daily and annual water consumption), liquid waste disposal plans and runoff management plans are to be compliant with all applicable local, state, and federal laws and regulations, including but not limited to: the Massachusetts Clean Waters Act, M.G.L. c. 21 §§ 26 through 53; 314 CMR 3.00:

Surface Water Discharge Permit Program; 314 CMR 5.00: Groundwater Discharge Program; 314 CMR 12.00: Operation Maintenance and Pretreatment Standards for Wastewater Treatment Works and Indirect Dischargers; the Federal Clean Water Act, 33 U.S.C. 1251 et seq.

8.10.7.9 State License. A copy of the license or registration as a ME or MTC from the CCC or documentation that demonstrates that said facility and its owner/operators qualify and are eligible to receive a Certification of Registration and meet all of the requirements of a ME or MTC in accordance with the regulations adopted by the CCC, as amended. Proof of license may also be accepted from the State Department of Health under certain circumstances for MTCs.

8.10.7.10 Proof of Site Control. Evidence that the applicant has site control and the right to use the site for a Marijuana use in the form of a deed, option, valid lease, or purchase & sale agreement or a notarized statement from the property owner certifying the applicant has firm site control.

8.10.7.11 CCC Submission. Copies of all application and submission materials required to be submitted to the CCC shall also be submitted to the SPGA at the same time they are submitted to the CCC.

8.10.7.12 Waiving of Submission Requirements. The SPGA may not waive any submission requirements except with respect to dimensional requirements concerning the re-use of existing buildings in 8.10.3.3.

#### 8.10.8 DISCONTINUANCE OF USE

8.10.8.1 Any ME or MTC under this Section shall be required to remove all temporary structures, material, Marijuana plants, equipment, and other paraphernalia in compliance with regulations established by the CCC within thirty (30) days after the expiration or voiding of its license.

#### **8.10.9 FINANCIAL SURETY**

8.10.9.1 Prior to construction, applicants seeking to construct a ME or MTC shall provide a form of surety to cover the cost of removal and restoration of the site as required in Section 8.10.8 in the event the site is abandoned. The amount and form of surety shall be determined by the SPGA, but in no instance shall the amount exceed one hundred twenty-five (125%) percent of the estimated cost of removal. Applicants shall submit a fully inclusive cost estimate, which accounts for inflation, of the costs associated with the removal of the ME or MTC prepared by a registered professional engineer. Said cost estimate shall be reviewed by the applicant, or any successor, every five (5) years from the date of the final installation and adjusted as necessary. This updated cost estimate shall be transmitted to the SPGA.

8.10.9.2 No less than ninety (90) days prior to the expiration of any financial surety

required by this bylaw, the current operator of the ME or MTC shall provide the Town's Building Inspector with renewed, extended or replacement financial surety in an amount and form determined by the SPGA in accordance with this bylaw.

#### 8.10.10 NO TOWN LIABILITY; INDEMNIFICATION

8.10.10.1 The applicant and all licensees waive and release the Town, its elected officials, employees, and agents from any liability for injuries, damages, or liabilities of any kind that result from any arrest or prosecution of the ME or MTC owners, operators, employees, clients, or customers for a violation of local, state or federal laws, rules, or regulations.

8.10.10.2 The applicant, in receiving approvals issued pursuant to this Section 8.10, and all licensees, jointly and severally, if more than one, agree to indemnify, defend and hold harmless the Town, its elected officials, employees, attorneys, agents, insurers and self-insurance pool against all liability, claims and demands on account of any injury, loss or damage, including, without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage or any other loss of any kind whatsoever, arising out of or in any manner connected with the operation of any ME or MTC that is subject of the approval/license.

#### 8.10.11 ANNUAL INSPECTIONS OF MEs and MTCs

8.10.11.1 Any ME or MTC operating within the Town shall be inspected annually by the Board of Health and the Building Inspector of the Town, or their designee(s), to ensure compliance with the applicable provisions of this Section 8.10 and with any conditions imposed by the SPGA.

8.10.11.2 The first annual inspection shall be more than one (1) year after beginning operation, but not more two (2) years after beginning operation.

#### 8.10.12 COMPLIANCE

8.10.12.1 License Required. At all times while a permit is in effect the licensee shall possess a valid license.

8.10.12.2 To the extent that the state has adopted or adopts in the future any additional or stricter law or regulation governing the cultivation, manufacturing, testing, research or retail sale of MPs, the additional or stricter regulation shall control the ME or MTC in the Town. Compliance with any applicable state law or regulation shall be deemed an additional requirement for issuance or denial of any license under this Section 8.10, and noncompliance with any applicable state law or regulation shall be grounds for revocation or suspension of any license issued hereunder.

#### 8.10.13 ADVISORY AND TECHNICAL REVIEW

8.10.13.1 The SPGA shall submit all applications for a ME or MTC to the following

boards, commissions and departments of the Town for advice on the application:

- A. Planning Board
- B. Board of Health
- C. Conservation Commission
- D. Historical Commission (for projects located in designated historic districts)
- E. Building Inspector
- F. Highway Department
- G. Police Department
- H. Fire Department

8.10.13.2 Upon receipt of an application for a ME or MTC, the SPGA may engage professional and technical consultants, at the applicant's expense, pursuant to M.G.L. Chapter 44 § 53G to assist the SPGA with its review of application materials. The SPGA may direct the applicant to deposit funds with the SPGA for such review at the time the application is accepted and to add additional funds as needed upon notice. Failure to comply with this Section 8.10.13.2 shall be valid grounds for denying the Special Permit application. Upon the approval or denial of the application, any excess amounts in the account attributable to the application process, including any interest accrued shall be refunded to the applicant.

**Article 33:** To see if the Town will vote to adopt the proposed zoning amendment to the Town of New Marlborough's Protective Bylaw establishing the special permitting authority to hire outside technical consultants in reviewing Special Permits by adding the following language: "3.4.8 Upon receipt of a Special Permit application, the Select Board may engage professional and technical consultants, at the applicant's expense, pursuant to M.G.L. Chapter 44 § 53G to assist the Select Board with its review of application materials. The Select Board may direct the applicant to deposit funds with the Select Board for such review at the time the application is accepted and to add additional funds as needed upon notice. Failure to comply with this Section 3.4.8 shall be good grounds for denying the Special Permit application. Upon the approval or denial of the application, any excess amounts in the account attributable to the application process, including any interest accrued shall be refunded to the applicant." or take any other vote in relation thereto.

A motion was made, seconded and so unanimously approved Article #33 by a show of cards.

Moderator announcements:

- \*Please take your packages given to you from check in
- \*Please complete the 2020 census
- \*Please note that the Cultural Council is sponsoring an art show.
- \*Please note that the Fire Department is having a raffle.

Attest A True Copy:

Katherine M. Chretien, CMMC/CMC
Town Clerk

## **BOARD OF REGISTRARS REPORT**

The following report is based on primary areas of activity during 2020 calendar year.

One (1) Annual Town Meeting (August 15th) 96 voters

One (1) Annual Town Election (June 29th) 197 voters

One (1) Town Caucus (May 19th) 83 voters

One (1) State Primary (September 1st) 398 Democratic, 2 Green Rainbow,

1 Libertarian, 60 Republican (Total 461)

One (1) Presidential Primary (March 1st) 391 Democratic, 45 Republican,

1 Libertarian (Total 437)

One (1) Sate Election (November 3rd) 966 voters

Respectfully submitted,

Alicia Brazie
Michelle Dawson-Harvey
Sharon Fleck

Katherine M. Chretien, CMMC/CMC, Town Clerk

### REPORT OF THE COMMISSION ON DISABILITIES

The Town of New Marlborough Commission on Disabilities is an appointed Commission of the Town established in accordance with the Americans with Disabilities Act (ADA) and the Massachusetts Office on Disabilities requirements.

The Mission of the Commission is to increase opportunities and remove barriers for people with disabilities by facilitating full and equal participation in all aspects of life within the Town of New Marlborough. Our Commission works toward compliance with Title II of the ADA within our Town. With this in mind, the Commission seeks to influence public policy by advising and working with the Board of Selectmen, other Town committees, ADA, and all departments on issues impacting persons with disabilities and their families, as well as the legal requirements to be met. We seek to educate and inform on disability issues and encourage all persons with disabilities to participate fully in the activities and governance of our Town.

### Highlights over the past fiscal year:

- Developed an informational brochure entitled Introduction to the ADA
- Development of a special accommodation disclaimer for the Town to include in all event postings: The Town of New Marlborough does not discriminate on the basis of disability. If you are disabled and require special accommodation, please contact Owen Wright, ADA Coordinator (413-229-8116), preferably 7 days before the activity or event.
- Issued advisory memo to the Board of Selectmen and Highway Superintendent: ADA Compliance Item: Paving of Highway Department yard
- Submission of article for publication in the April 2020 issue of the Five Village News
- Participated in a Statewide Commission on Disability and Municipal Americans
  with Disabilities Act Coordinator Call sponsored by the Massachusetts Office on
  Disability to discuss issues pertaining to established COVID protocols and how
  they are affecting the disabled community and equal access.

Additional information may be requested from Tom Stalker, Chair, Commission on Disabilities, at tstalker62@gmail.com or 413-229-2935.

On the web: https://www.newmarlboroughma.gov/commission-disabilities

Respectfully submitted,

Tom Stalker, Chair Marsha Pshenishny, Vice-Chair John Pshenishny John Hotaling Owen Wright

### REPORT OF THE TOWN CLERK

The Town Clerk's office is the official record keeper for the Town of New Marlborough. Some of the services that this office covers are vital statistics; births, marriages, deaths, posting of meeting notices for all municipal boards and committees, voter registration, town political calendar, annual street listing, business certificates (DBA), notarization of documents, Town Meeting warrants and minutes, and payments of non-criminal violations.

The following report is based on primary areas of activity during 2020 calendar year.

### Vitals Report

Births 7
Deaths 8
Marriage Intentions Filed 15
Marriages That Took Place 15

### **Dog Licensing**

Dog licensing is required annually each spring. Licenses expire on March 31st and dog owners have from March 1st to May 1st to renew; if you do not renew your license a \$25.00 late fee (per dog) will be implemented in addition to your license fee. If you have a dog that is six months of age or older licensing is required.

Sex	Fee	<b>Number of Licenses Issued</b>	Amount
Male	\$15.00	23	\$ 345.00
Neutered Male	\$ 7.00	99	\$ 693.00
Female	\$15.00	8	\$ 120.00
Spayed Female	\$7.00	105	\$ 735.00
Kennel	\$30.00		\$
Kennel	\$50.00	<u>1</u>	\$ 50.00
Late Fees			\$ 118.00
Totals		236	\$ 2,061.00
Fees retained			\$ 236.00
Paid to Town			\$ 1,825.00

### Division of Fisheries and Wildlife

The Town Clerks' office no longer sells Hunting/Sporting and Fishing/Trapping licenses, as well as, Primitive Arms, Waterfowl and Archery stamps. Hunters should be aware that annual written permission is required to hunt on private or town property.

Respectfully submitted,

Katherine M. Chretien, CMMC/CMC Town Clerk

### **ASSESSOR'S REPORT 2020**

This was a very hard year. Due to the pandemic, contact with homeowners was minimal. A lot of work was done from home this year. We would like to thank everyone for your understanding and patience. We are going to be doing a revaluation this year and will do our best to look at property. We will have appraisers working in the Town to complete the revaluation,

As always, the board is willing to help with any problems the taxpayers may have. Please feel free to call the office at 413-229-8926.

### Fiscal Year 2020 Valuations

Residential	\$489,926,507.00
Personal Property	\$5,104,190.00
Commercial	\$20,133,703.00
Industrial	\$2,762,430.00
Total	\$517,926,830.00

Exempt \$23,222,500.00

### **Estimated Local Receipts Fiscal Year 2020**

	Actual Receipts 2019	Estimated Receipt 2020
Motor Vehicle Excise	\$270,241.73	\$260,000.00
Other Excise	\$0.00	\$0.00
Penalties and Interest on- Taxes and Excises	\$43,614.04	\$30,000.00
Payments in Lieu of Taxes	\$0.00	\$0.00
Solid Waste Fees	\$47,467.00	\$46,000.00
Other Charges for Services	\$0.00	\$0.00
Fees	\$24,615.39	\$15,000.00
Departmental Revenues	\$0.00	\$0.00
Licenses and Permits	\$51,492.01	\$45,000.00
Fines and Forfeits	\$300.00	\$0.00
Investment Income	\$5,458.78	\$4,000.00

Town Meeting Date	Total Appropriations Each Meeting	Raise & Appropriate	Free Cash	Other Available Funds	Rev Funds	Borrowing
05/06/19	6,320,380.00	5,765,280.00	474,000.00	81,100.00	0.00	0.00
Totals	6,320,380.00	5,765,280.00	474,000.00	81,100.00	0.00	0.00

Miscellaneous Recurring	\$710.00	\$0.00
Miscellaneous non- Recurring	\$29,478.07	\$0.00

### Tax Rate Recapitulation Fiscal Year 2020

### Amounts to be raised

Appropriations	\$6,320,380.00
Total Cherry Sheet Offsets	\$2,638.00
Other	\$0.00
Overlay deficits	\$0.00
Total	\$2,638.00

State Cherry Sheet Charges	\$2,039.00
Allowance for Abatements & Exemptions	\$42,185.64
Total to be Raised	\$6,406,994.62

### **Estimated Receipts & Other Revenue**

State Cherry Sheet Revenue \$111,769.00 **Local Estimated** \$111,769.00

### **Revenue Sources Appropriated for Particular Purposes**

Free Cash \$474,000.00 Other Available Funds \$81,100.00 **Total** \$555,100.00

### Summary of Total Amounts to be Raised & Total Receipts

Total amount to be raised \$6,404,994.62

Total estimated receipts & other

revenue sources \$1,067,169.00

Total real and personal property

tax levy \$5,339,825.62

Total receipts from all sources \$6,406,994.62

### Respectfully submitted,

Marsha A. Pshenishny, *Chair*Wendy Miller
Freddy Friedman
Board of Assessors

# TOWN OF NEW MARLBOROUGH TAX COLLECTOR ANNUAL REPORT 7/1/19 - 6/30/20

	Balance 7/1/19	Commitments	Collected	Abatements Exemptions	Refunds Issued	Credit Adjustments	Tax Title Adjustments	Balance 6/30/2018
REAL ESTATE 2016 2017 2018 2019 2020 TOTALS	\$191.85 \$11,003.23 \$49,950.27 \$155,372.64 \$216,517.99	\$5,287,202.20	\$173.61 \$9,908.27 \$24,979.02 \$90,267.45 \$5,046,601.01	\$- \$- \$- \$40,096.19	\$30,063.26 <b>\$30,063.2</b> 6	<del>,</del>	\$18.24 \$18.62 \$19.86 \$20.68 \$10,785.92 <b>\$10,863.32</b>	\$0.00 \$1,076.34 \$24,951.39 \$65,084.51 \$219,782.34
PERSONAL PROPERTY 2018 \$134.2 2019 \$535.0 2020 TOTALS \$669.3	\$134.24 \$135.09 \$69.33	\$52,624.19 <b>\$52,624.19</b>	\$186.22 \$50,544.81 <b>\$50,731.03</b>	\$617.05 <b>\$617.05</b>	\$395.92 <b>\$395.92</b>			\$134.24 \$348.87 \$1,858.25 \$2,341.36
<b>PP FARM</b> 2020 <b>TOTALS</b>		\$300.50 <b>\$300.5</b> 0	\$300.50 <b>\$300.5</b> 0					. 0\$
MOTOR VEHICLE 2000 \$1 2001 \$2 2002 \$1 2004 \$1 2005 \$1 2006 \$1 \$2007	\$1,867.88 \$2,160.63 \$898.75 \$1,162.81 \$46.25 \$1,090.83 \$949.90			\$1,867.88 \$2,160.63 \$898.75 \$1,162.81 \$46.25 \$1,672.92 \$1,090.83 \$949.90				

	Balance 7/1/19	Commitments	Collected	Abatements Exemptions	Refunds Issued	Credit Adjustments	Tax Title Adjustments	Balance 6/30/2018
2008 2009 2010 2011 2012 2013 2014 2015 2016 2019 2019 2020	\$702.50 \$465.74 \$767.71 \$527.92 \$726.67 \$632.82 \$874.17 \$856.26 \$1,776.05 \$2,906.04 \$2,959.28 \$18,790.36	\$28,688.94 \$239,211.00 \$267,899.94	\$5.42 \$32.50 \$32.50 \$64.17 \$158.75 \$620.31 \$1,662.18 \$44,419.19 \$190,461.77	\$1,580.42 \$3,132.00 \$2,765.08	\$1,657.50 \$2,667.52 \$1,336.38			\$702.50 \$460.32 \$735.21 \$495.42 \$726.67 \$874.17 \$792.09 \$1,617.30 \$2,285.73 \$1,374.18 \$2,595.63 \$47,320.53
GRAND TOTALS	ALS	\$5,608,026.83	\$5,460,417.68 \$55,275.63	\$55,275.63	\$34,784.20		\$10,863.32	\$116,254.40
Roll Back Tax Interest Fees Deputy Collector Fees MV Marking Fees Misc. Fees GRAND TOTAL COLLEC	Roll Back Tax Interest Fees Deputy Collector Fees MV Marking Fees Misc. Fees GRAND TOTAL COLLECTED		\$1,126.12 \$33,756.36 \$5,439.56 \$3,073.00 \$1,180.00					

Respectfully submitted by:

Gina Campbell Tax Collector

### SCHOOL COMMITTEE REPORT

Running a school district during a pandemic for over a year has been a challenge for all involved. The teachers and administration have had to invent new ways to meet the needs of the 659 students which include 82 at New Marlborough Central School (NMC.) The important student milestones were celebrated outdoors in June. The Mount Everett community celebrated the seniors at socially distanced outdoor graduation on June 7 and at NMC the fourth graders, their families and teachers enjoyed a Reverse Car Parade.

Without a break, the administrators started to craft a fall reopening plan as soon as school closed for the summer. Superintendent Regulbuto established a 70-member Reopening Task Force comprised of teachers, parents, community members, and administrators. There were numerous meetings to address all aspects of a safe reopening process the complied with state mandates and the needs of our district. The final outcome was to use a hybrid model where students had in-person learning two days per week and remote learning three days. Families also had the option to stay fully remote. The state delayed the opening of the school year by 10 days for teachers to prepare to master on-line techniques to incorporate into their teaching.

The School Committee had a busy summer too. In July, it held a special session to draft an Anti-Racist/Anti-Bias Resolution that would guide its efforts to celebrate diversity and to cultivate equitable and inclusive practices. With an eye on the election of new members in November, it also worked on a new informational School Committee Handbook that includes roles and responsibilities of the public body. Several members worked on the Reopening Task Force. Its final summer work was to negotiate an agreement with the union on the working conditions during COVID.

Through a lengthy process involving the SBRSD Athletic Director, the administrative team, and the Sheffield Board of Health, it was possible to bring back limited sports. The School Committee approved giving students the opportunity play again with strict safety guidelines: no spectators; all participants masked at all times; frequent sanitizing of equipment; and six-foot distance was maintained except during play.

There were three retirements from the school committee in November including David Travis from New Marlborough. Carrieanne Petrik of Mill River was elected to fill his seat. The new committee goals include reorganizing the subcommittee structure and reviewing the policy manual.

Overall, the District leadership and staff have gone beyond expectations to help families overcome the many challenges of the pandemic. Meals and boxes of food supplies were provided, laptops were loaned, and mental health services offered. Teachers held extra individual sessions for struggling students. Efforts were made to help households with limited internet access. Despite all of these additional tasks, the District tried to stay focused on its educational goals for the year: to create a student-centered curriculum in the new middle school; to expand the social/emotional curriculum for students and training for

faculty; and to continue to build career pathways and internships for Mount Everett high school students.

State and federal COVID funding was used for the extra custodial help, tents for outdoor learning, personal protective equipment, and food so the District was able to stay within budget. In building the budget for FY 22, the towns' need for economy was a priority. Input was gathered from teachers, principals, the director of buildings and grounds, the director of technology, and the director of student services to enable the superintendent and the finance subcommittee to present a budget that allows for innovation, yet keeps the total budget increase to only 1.49 percent. There were no objections at the budget public hearing on March 4 and the budget was approved unanimously by the School Committee on March 11.

In early March the Commissioner of Education was given the power to end local control over schools. He declared an end to hybrid model and mandated that full time in person attendance would begin in April. It included an option for students to stay fully remote. Only 23 percent of students chose this. The demanding work of teaching both remote and in-person students will continue until the end of the school year. After a very tough year there is hope that the last two months of school will be easier, with less isolation and better communication that are so essential for successful learning.

Respectfully Submitted,

Jane S. Burke

### ANNUAL REPORT FOR THE ANIMAL INSPECTOR

This has been a very busy year for the Animal Inspector. A number of citizens' complaints were made. These included barking dogs, unleashed dogs running on public roads and private property, (one such dog killed a neighbor's sheep)., farm animals out on public roads, raccoons and skunks straying near owners homes, a fawn found in a flower bed and bats within the homes. Rural living often results in "WILD"ANIMALS FREQUENTING OWNER'S PROPERTY. Because rabies has been identified within New Marlborough home owners need to treat their "wild" guests with respect. Should such animals such as raccoons or skunks behave in a strange fashion they should be reported to the Animal Control Officer, Ms. Cassie Keeley.

**THERE IS A LEASH LAW IN NEW MARLBOROUGH!** All dogs who are in the Town for 30 consecutive days or more need to be licensed in New Marlborough and supervised. Three dogs and a cat were put in quarantine last year. Two of the dogs were quarantined for biting. The third dog and cat had suffered bites of unknown origin.

A serious dog incident took place in Mill River. An unleashed dog attacked a tiny leashed dog walking with its owner on a public road. After careful investigation and a public hearing the attacker was judged a "nuisance" and must be closely supervised for the remainder of its life.

Barn inspections took place during October and November and fifty two homes of farm animals were judged to have had adequate shelter, water and food. The "barn book: was returned to the state with an alphabetized list of the farm animal owners. With the coming of COVID 19 the state has temporarily discontinued barn inspections; however the relationship between the farmer owners and the Animal Inspector remains close.

The Town of New Marlborough welcomed Cassie Keeley as their new Animal Control Officer. The Animal Inspector and the Animal Control Officer work together to insure the safety of the town's citizens, its pets and farm animals.

Respectfully submitted,

Prudence Spaulding Animal Inspector

### REPORT OF THE ANIMAL CONTROL OFFICE

Fiscal Year 2020 was a transition year for the Animal Control Officer position. Long term ACO, John Springstube, resigned effective July 1, the Select Board appointed Police Chief Graham Frank as temporary Animal Control Officer until the position could be filled.

I would like to thank John Springstube for his dedication and time spent serving as the Animal Control Officer for the Town of New Marlborough over the last 13 years.

During FY 20 I responded to 74 animal related calls, most being loose dogs or farm animals. There were a handful of dog bite related incidents, one of which led to a Dangerous Dog Hearing with the Board of Selectmen, the other led to a civil matter. Another large portion of calls were wildlife related. Including abandoned baby animals, injured birds, or assisting with possible rabid animals.

With the Covid Pandemic in full effect during the warmer weather, the Town of New Marlborough saw a drastic increase in the number of people visiting to use local and state parks located in Town and use the vast number of hiking trails located in Town. Please remember to use a leash with your dogs and have them under control.

Towards the end of FY 20, the Town interviewed and appointed the new ACO, Mrs. Cassie Keeley of Southfield. Cassie has lived in New Marlborough for 15 years and also is the ACO for the Town of Sheffield. The position of Animal Control Officer suits her well. She shows an incredible love and passion for animals. Cassie is a great asset to have in town and I look forward to working with her in the future.

Respectfully submitted,

Graham Frank Chief of Police

### **BOARD OF HEALTH REPORT**

In Fiscal Year 2020 the Board of Health membership consisted of Larry Davis III, Chairman, Jack Bellinger and Jordan Chretien as members, Scott McFarland as Agent and Pia Bellinger as Secretary. Please note that Board of Health meetings will continue to be held on the 2nd Tuesday of the month at 6 PM, unless otherwise posted. Meetings continue to be via teleconference, as was begun in April 2020 due to COVID-19.

Permits and licenses issued by the Board of Health for FY 2020 were as follows:

- 4 New system designs were permitted
- 14 Repairs/upgrades to existing systems were permitted
- 21 Perc and deep hole tests performed
- 35 Title 5 Inspections witnessed
  - 8 Septic System Installer permits issued
  - 6 Septic Pumper permits were issued
  - 8 Well site inspections and permits issued
- 8 Food Permits
- 0 Recreational Camp License
- 0 Public Beach permit
- 0 Housing Inspection
- 1 Water Bottling permit
- 4 Beaver permits

A typically busy year became much busier for the Board of Health in March of 2020 with the impacts of COVID-19. Not only were there many things to learn about the virus, determining safety measures, and keeping up with state and local communications and tracking, the Board of Health also saw an increase in the number of housing infrastructure permits (septic inspections, designs, soil testing and well installation). It appears that we will remain busy with COVID-19 related issues, and inspections associated with increased housing demand through FY 2021.

We appreciate all the efforts of the Berkshire Visiting Nurses Association (BVNA), which performed New Marlborough's contact tracing and disease reporting on the Massachusetts statewide database. Our public health nurse at the BVNA, Nancy Slattery, has worked very hard to help track and reduce the spread of COVID-19, and has been a valuable resource for the Board. We will continue to count on the BVNA's assistance through FY 2021.

New Marlborough continued its participation in the Berkshire Public Health Alliance, which became an invaluable relationship with the onset of COVID-19 in our area. The Alliance, in conjunction with the Berkshire Boards of Health Association, provided us with weekly updates and status of anything COVID related right from the beginning of this pandemic. The Alliance and its director continue to be a valuable connection for New

Marlborough to receive accurate and expedient communication regarding COVID-19 from the state Department of Public Health and other state organizations. The Alliance distributed some public health COVID funding and continues to apply for public health related grants on behalf of New Marlborough and other Berkshire County towns. The Board of Health has also relied on the Alliance periodically to provide experienced inspectors on a contract basis for inspectional assistance. Scott McFarland and Jack Bellinger remain as New Marlborough's representatives to the Berkshire Public Health Alliance governing board.

With the increased activity in the local housing market, the board reminds residents that a Title 5 Septic Inspection (as per 310 CMR 15.000) is required of the seller upon transfer of ownership of property with a septic system, regardless of the method of financing. For example, a cash sale does NOT exempt the property from the requirement of a Title 5 Septic Inspection. The seller must provide the results of an official inspection to the buyer and the Board of Health upon sale of the property. Alternatively, the seller can notify the buyer in writing that a Title 5 inspection is not being performed and that the buyer is then responsible to complete it and provide results to the Board of Health within 6 months of the property transfer. There are a few very specific inter-family transfers that are exempt, but you should confer with your real estate lawyer and the Board of Health agent before assuming they apply to your situation.

The Board would also like to note that Pia Bellinger has submitted her resignation as secretary, for some well deserved retirement time, after 30+ years of service to the Board of Health. We thank Pia for her years of generous service.

The Board of Health is here to help protect your health and to work with you on those issues that require Board of Health input or permitting, and we ask for your cooperation and support in this endeavor. Remember, wear a mask, maintain physical distancing and wash your hands frequently, and please continue to be responsible for reducing the spread of COVID-19.

### Respectfully submitted,

Board of Health Larry Davis, III, Chairman Jordan Chretien, Member Jack Bellinger, Member Pia Bellinger, Secretary Scott McFarland, Agent

### BERKSHIRE VISITING NURSE ASSOCIATION 2019 ANNUAL REPORT

As part of the Berkshire Health System network, Berkshire Visiting Nurse Association provides comprehensive, multidisciplinary healthcare to individuals and families in the community. Community public health services are **Disease Surveillance** and Investigation, Active TB Disease Management, Disease Screening and Immunizations, and Health Promotion. A description of services follows:

**Disease Surveillance and Investigation** of reportable and communicable diseases involves the receipt and processing of reports for specific diseases and implementation of appropriate follow-up measures. This is accomplished with the use of MAVEN. The Massachusetts Virtual Epidemiologic Network known as MAVEN is part of the Electronic Disease Surveillance System.

There were **60** diseases investigated during this time frame:

- Hepatitis C, 1
- Arbovirus (other) 1
- Lyme Disease, 17
- Human Granulocytic Anaplasmosis, 3
- Babesiosis, 3
- Influenza, 1
- Campylobacteriosis, 1
- Covid, 21
- Covid contacts, 12

**Active TB disease management** is following all cases of active disease in accordance with MDPH requirements and MA regulations. This includes contact investigation, skin testing, multiple months of case management and direct observation therapy. There were no cases of active TB in New Marlborough.

**Disease screening and immunizations** for individual and community disease prevention are provided as necessary. An established distribution station is maintained in accordance with MDPH requirements for the management of state supplied vaccine. A town clinic for seasonal influenza vaccine is offered to persons meeting the criteria. Opportunity for those who are unable to come to the town clinic is made available at subsequent health promotion clinics. A total of **40** seasonal influenza shots were administered.

**Health promotion** provides accessible monitoring of health risks to the community. Also provided are health education, health promotion and screening in accordance with acceptable standards of care. A health promotion clinic is held regularly at the town offices in Mill River. There were 44 visits made to this clinic. Blood sugar testing is offered regularly to those with diabetes and annually for all clinic participants. Health education presentations this year included influenza information, norovirus information and covid updates. Covid investigations and contact tracing only during the surge .

Printed resource material was offered to participants for future reference on each subject. 3 residents were referred to their primary for high bp readings.

- Visits 44
- Blood Pressure up to 140/90mm/Hg **9**
- Stage I Hypertension (140-150/90-99mm/Hg) 5
- Stage II Hypertension (>160/100mm/Hg) 3

The Board of Health Coordinator, Nancy Slattery, RN, collaborates with the Council on Aging to provide coordination of services for residents. As a member of the community health care continuum of Berkshire Health Systems, collaboration with and referrals to other health care professionals are readily made.

Berkshire Visiting Nurse Association wishes to thank the Select Board and the Board of Health for the opportunity to serve your residents. Please feel free to call BVNA for information at 800-788-2862. We look forward to our continued relationship in maintaining and promoting good health in New Marlborough.

Respectfully submitted,

Nancy Slattery, RN Board of Health Coordinator Berkshire Visiting Nurse Association

### SOUTHERN BERKSHIRE DISTRICT DEPARTMENT OF VETERANS' SERVICES (SBDDVS)

Thank you for allowing me to service the member towns, their veterans, and widows. We have made great strides in reaching out to our veterans in our local area, letting them know the various services available to them from Elderly Services, Community Actions and also the local senior centers. During FY 2020 we have seen a slight decrease in all areas of operation and currently have 42 active Chapter 115 claims.

Chapter 115 Submissions and Return from the State:

Town	FY 2020 Submitted 7/1/19-6/30/20	Pmt Due in FY 2021 - FY 2020 - 75%
New Marlborough	\$11,036.68	\$8,277.51

Over the last year we have completed the following for our member town's veterans:

Applications for VA Health Care	45
ALS/Disability/A&A/Appeals/Life Insurance	38
DD 214s	36
Request for Grave Markers	26
Tax Abatements/SS help/Other requests	75
Flags to funerals homes for veterans	48
Assisted with Dr. appointments	7
Home and Office Visits	299
Veterans Services Phone Calls	1228

For FY 2020 District budget was reduced by the reserve resulting in a smaller assessment for the member towns. During these trying financial times all veterans and widows are encouraged to contact this office or the US Department of Veterans Affairs and review current entitlements as many changes have taken place. New Marlborough's' apportionment towards the FY 2020 DYS budget was \$6,795.81- this number was based on population percentage on the 2010 Census.

Respectfully Submitted,

Laurie J. Hils
District Director
Southern Berkshire District Veterans Services

### REPORT OF THE CEMETERY COMMISSION

The Cemetery Commission has been working on removing trees from different cemeteries. These trees are in danger of falling on the Monuments or visitors. The Cemetery Commission will be working on repairing some of the roads in the cemeteries. We are hoping to have a on-going budget to help with both of these projects.

The Cemetery Commission would also like to welcome Tara White.

The Commission would like to thank everyone for all their support

Respectfully submitted,

Tammi Palmer Robert Palmer Tara White

### CITIZENS ADVISORY BOARD REPORT

The Citizens Advisory Board is made up of members of the community to address grievances that may arise between applicants for and distributors of the Community Development Block Grant. New Marlborough's CDBG are distributed by the Berkshire Regional Planning Commission. There were no grievances from July 1, 2019 to June 30, 2020.

Respectfully submitted,

Nanci Worthington Chairman of the Citizens Advisory Board

### CULTURAL COUNCIL ANNUAL REPORT

The New Marlborough Cultural Council (NMCC) is a local extension of the Massachusetts Cultural Council (MCC), one of the largest grassroots cultural funding networks in the nation. We support programs that benefit townspeople of all ages in the arts, humanities and sciences. Our mission is to build community among residents and enrich their lives.

The Council receives funding from the MCC, the Town of New Marlborough and our generous local donors. In 2020 we received \$4,400 from the MCC and \$1,250 from the Town. These sums along with contributions from full and part-time residents enabled the NMCC to award \$16,050 in grants to 19 local organizations in Fiscal 2020. Our grants supported an array of programs in New Marlborough and Southern Berkshire communities. Unfortunately some of the in-person programs were cancelled due to COVID restrictions and the grants rescinded. But many of the grant programs were able to proceed with innovative arrangements that incorporated social-distancing requirements. Among these programs were Flying Cloud Institute's programs combining science and the arts, Greenagers environmental stewardship program, programs at Mount Everett High School, Undermountain Elementary and New Marlborough Central Schools, theatre activities for high school students at Shakespeare & Company, a poetry program at Chesterwood, and musical programs offered by Berkshire Children's Chorus, Aston Magna Foundation, and Dewey Hall.

The 45th annual Elihu Burritt Day in August 2019 was a great success. The much-beloved Library book and bake sale and the Cultural Council white elephant sale were joined by a greatly expanded selection of arts, crafts and food vendors. Live music throughout the day provided entertainment for all. The Council awarded the 15th annual Elihu Burritt Award to the New Marlborough 5 Village News in recognition of twenty years of dedicated service to keep residents informed of news, issues and events affecting our town.

Unfortunately, the annual Town Pot Luck dinner in April 2020 was cancelled due to COVID restrictions.

What a year this has been! We look forward to the day – soon we hope – when we can celebrate together again!!

Complete information about the New Marlborough Cultural Council, our activities and grant process and awards can be found at www.mass-culture.org/NewMarlborough. Members of the Cultural Council are happy to hear from you. Keep up with us by liking us on Facebook.

### Respectfully submitted,

Nancy Barbe, Chair Margie Shapiro, Secretary Richard Long, Treasurer

Members: Sue Cohen, Alice Fahs, Linda Barr Fass, Barbara Lowman, Wendy Miller, Kathy Potoski, Margie Shapiro, Louise Yohalem

### REPORT OF THE HISTORICAL COMMISSION

The New Marlborough Historical Commission is a part of the New Marlborough municipal government. Our role is to help establish community wide historic preservation planning and to serve as historic preservation advisors to the town government.

The Historical Commission meets monthly and invites the public to participate. Current projects include the nomination of Southfield as a National Historic Register District and creating bylaws requiring a delay in the demolition of historic structures. Past projects have inventoried the historical structures in all of the five villages and New Marlborough Township.

Respectfully submitted,

John Schreiber, Chair

Claudette Callahan Fiona Kerr Deanna Mummert

### TOWN LIBRARY ANNUAL REPORT

Facing many challenges this year the library has continued to provide many services to the community while maintaining a safe environment for all.

Forced to close our doors last spring due to Covid19 we took advantage of the time and began an extensive housekeeping and sanitizing project. We were allowed to provide curbside services in June and implemented a policy of sanitizing all incoming and outgoing materials. Incoming materials were and continue to be quarantined for four days before release to patrons. At that time we began limited hours for curbside pickup. Materials were placed in plastic bags, labeled with names and placed on tables on the porch. As always during this time we provided free WiFi to all. Most patrons preferred to work in their cars but limited seating and tables were provided on our porch.

In August we moved to limited in person browsing following strict safety regulations. In November we resumed regular hours and continue to follow safety protocol including masking, hand sanitizing, limited occupancy and social distancing. Curbside pickup continues upon request.

Despite the pandemic, circulation of print and nonprint items, especially electronic resources have increased to over 25,000 items.

Unfortunately all programs have been put on hold. We were unable to hold fundraising events including our very popular book sale. We were however able to implement a drive by Halloween event. The evening was a welcome break for all who participated and a great success!

In order to continue our efforts to serve the community the library has installed a generator that will allow us to open the library during emergency situations. In case of an emergency every effort will be made to make sure the library is open.

We are currently investigating the possibility of installing UV light system to purify our ventilation system.

The library board would like to thank Scott McFarland, Board of Health for working with us to develop our safety protocols. We greatly appreciate his willingness to share his time and guidance.

The Trustees and staff would also like to thank our community for your continued support as we all navigate this difficult time.

Respectfully submitted by the Library Trustees,

Claudette Callahan Carrie Liba Sally Turner

### UMPACHENE FALLS PARK COMMISSION ANNUAL REPORT 2020

I would like to welcome our new committee members, Sarah Jackson (treasurer), Elain Mack (vice chair) and Bruce Pierce. Welcome aboard.

Thank you to former members Warren Weldon and Courtney Davis for their hard work and time serving the Town on the Park's committee.

The riverbank restoration project should be completed in 2021.

The next project is making the Park ADA compliant. This will include paved parking spots for handicap vehicles, permanent placement of porta-potty, wheelchair accessible paths as well as ADA approved picnic tables and playground equipment.

Due to Covid 19, the Park saw a large number of people from all over the region visit the Park. Thank you to the New Marlborough Police department for their assistance with crowd control.

The Park is open from May through October. If you notice anything that doesn't seem right happening at the Park, please contact the police or a member of the Park's Commission (see something, say something).

The Commission reminds everyone that there are no open fires or alcoholic beverages allowed at the Park.

Take nothing but memories and leave nothing but footprints.

Like us on Facebook and share your photos and memories of the falls.

Respectfully Submitted,

Robert Twing Jr, Chairman

### REPORT OF THE CONSERVATION COMMISSION

The New Marlborough Conservation Commission works to protect the wetland resources of New Marlborough through thoughtful application of the Wetlands Protection Act. For the period of July, 2019- June, 2020, the Conservation Commission held Nine (9) meetings.

The commission received six (6) Requests for Determination of Applicability (RDA) filings, one (1) Notice of Intents filing, one amended – order of conditions(1) one, one (1) extension – order of conditions (NOI) and three (3) record order of conditions. The commission also reviewed four (4) forest cutting plans.

Conservation members regularly met on the third Saturday of the month for regular scheduled meetings; prior to the scheduled meetings the commission meets for site visits. The public is encouraged to attend the commissions meetings.

Respectfully submitted,

Freddy Friedman, Chair Dr. John Schreiber, Vice Chair David Herrick Nanci Wortington

### REPORT OF THE TREE WARDEN

As Tree Warden of New Marlborough, many hazardous trees were cut down near the roads. We prioritized the trees to be cut down based on a few factors, including the likelihood of a failure that could damage or block roadways, amount of traffic on foot or by motorist, and trees affected by invasive pests such as emerald ash borer.

We also work closely with National Grid's line clearance crews to help identify trees that may cause power outages. National Grid has been an incredibly affective ally for helping to manage the trees.

We have also received a grant last year under the previous tree warden to maintain Heritage trees so I have been working with the Town's contracted arborist to help preserve the trees in Town using this grant money.

Respectfully submitted,

Matthew Wright, Tree Warden

### REPORT OF THE POLICE DEPARTMENT

Fiscal Year 2020 has been a challenging year for everyone with the Covid-19 pandemic erupting worldwide early in the year. The pandemic not only created new challenges to public safety, but severely impacted everyone's daily routine and lives. Through training and safe practices, the Police Department continued to provide the best possible services to the Town.

Unfortunately, Covid-19 was not the only challenge presented to the Department. Recently the State of Massachusetts passed the Police Reform Bill in response to Nationwide Policing issues. This legislation will change policing and police operations drastically in ways the legislation could not imagine prior to signing the Bill. There will be incredible financial challenges for departments large and small, as well as create new and unprecedented staffing challenges resulting directly from the Bill.

The Police Department included Full Time Officers, Chief Graham Frank, Officer John Mullen and Part Time Officers, Edwin Deming, Dan Hamill, Dom Crupi, Gary Lemon, and Hunter Lucey. Officer Lucey departed for a fulltime position with the Sheffield Police Department. Officer Hamill resigned from the department to concentrate on his Police Chief duties for the Town of Otis. While Officer Crupi continued part time with us, his availability is limited as he was given a full time 40hr a week rotation with the Hinsdale Police Department. These changes left the New Marlborough Police Department once again short staffed and created coverage challenges for a portion of the year.

Throughout the previous year the Police Department received a total of 1,634 Calls for Service, investigated 18 Incidents, had 38 Arrests, issued 436 Citations, and filed 21 Accident Reports to the State of Massachusetts. During the pandemic the Town saw an influx of people coming to New Marlborough not only to reside in a rural environment but the number of visitors coming from afar to the two State Parks and Town Park along with the vast number of hiking trails also created new challenges for the town and increased a need for police presence in those areas.

During FY20 we have worked with neighboring municipalities on several cases, worked with different state agencies including Elder Services, the Department of Children and Families, Massachusetts State Police, Massachusetts Environmental Police, the Department of Fish and Wildlife, and the Department of Conservation and Recreation. We have supported a well-trained, community oriented, fair approach to policing, respecting each individual's diversity while maintaining knowledge of laws, policies and procedures.

The members of the New Marlborough Police Department are proud to serve the Town of New Marlborough and all that encompasses it. We would like to thank you, the Board of Selectmen, the Fire Department, Ambulance Squad, First Responders and the Highway Department for continuous support and strong working relationships, helping us help you. We look forward to continuing building relationships, trust and serving the town in the upcoming years.

Respectfully submitted,

Graham Frank, Chief of Police

### REPORT OF THE HIGHWAY SUPERINTENDENT

COVID-19 has had a profound effect on the New Marlborough Highway Department. We closed to the community on March 20, 2020. Just like most businesses, we had to adjust our lives to accommodate CDC guidelines. Unlike most businesses, the highway department did not shut down. Not even for a moment. Hand sanitizer and disinfecting wipes are strategically placed throughout the building and inside vehicles and equipment. Masks are now required along with social distancing and routine hand washing. Our once crowded breakroom, which was used for meetings, meals and various social events, has been shut down; and the new rule of one person per vehicle has been enforced.

Homeland Security has recognized the importance of highway crews to their communities. A Presidential Directive has declared that highway departments are first responders. We are often the first to respond and the last to leave.

We have had a very productive 2019-2020 season. Our large pavement projects included resurfacing New Marlborough South Sandisfield Road and Norfolk Road in early August. Brewer Hill Road received a single layer of chip seal in September. We were finally able to get the yard at the highway garage paved in September. And, our final large project was in October when crack seal was applied to Canaan Southfield Road and Clayton Mill River Road.

It has been a challenge keeping up with Route 57 throughout the years. The Town was given notice that New Marlborough, along with Sandisfield won a \$2,000,000 MassWorks grant. These funds will be split between the towns. Our part will be used to finally finish the two miles leading into Sandisfield.

The New Marlborough Highway Department had an endless list of small projects to conquer throughout the year. A company was contracted to paint lines on our well-traveled roads. Painted lines are an important safety feature. This project was completed in October using more than \$20,000 of our budget. Another safety feature is guardrails. During the months of October and November, a company was contracted to install new guardrails in various places throughout town using approximately \$24,000 of our budget. The highway crew routinely grades all of the unpaved roads. Heavy rain and washed-out dirt roads are becoming the norm, and the highway crew has become quite proficient at rebuilding the gravel roads at a moment's notice. The crew continues to aggressively tackle the brush and overgrowth on the roadsides. Once again, the Town contracted a land service company to cut the roadside grass. Potholes are inevitable and the highway crew tries to fill them as needed, but must wait for them to dry. Some residents find dusty dirt roads to be unbearable. The highway crew tries to control this problem, but with 38 miles of gravel roads, it is a challenge. The highway crew is on call 24 hours a day to remove fallen trees and debris when they block the roads. It is important to note, the highway crew is not qualified to remove trees when they are on power lines. Street signs continue to be upgraded as needed. A "25 MPH" stencil and a "SLOW" stencil were purchased along with road paint. Pavement signs can now be seen in the villages to try to help slow traffic. This year we were lucky to utilize a community service program offered by the Berkshire County Sheriff's Office. This service allows inmates to weedwhack and clean up roadsides. We hope to be the recipient of this service in future years.

On March 23, 2020, New England experienced a major winter storm. The winds broke tree limbs, which knocked out power for most of the town for several days. During this storm the

### **HIGHWAY SUPERINTENDENT (continued)**

highway crew worked diligently with the electric and phone companies to clear the roads. Between November and April, the highway crew was called out more than fifty times to treat the roads. During this winter season, New England experienced extremes. We had the typical below freezing temperatures, but we also approached temperatures in the 70's quite a few times. We usually contend with one mud season. This year we experienced seven. Our gravel roads required a great deal of attention. During a storm, it is common for one part of New Marlborough to experience severe weather, while another part of the Town is oblivious. But, the highway crew remains alert and always on call, keeping the roads safe for travel.

In May, a 2020 Ford F550 truck was purchased and will be used in day-to-day operations and specifically for plowing and sanding in the winter months. Thank you to the voters who approved its purchase at a town meeting last year. To clean up the yard and help with organization, a used shipping container was purchased over the summer. The highway department used an online auction to sell a large piece of equipment this year. Our 1993 Dresser grader was sold for \$22,100 in November and the check was deposited into the town's general fund. Because this was such a success, we plan to auction more surplus equipment that is no longer being used.

With the generous donations from the MSPCA, the Highway Department is able to continue its work with Beaver Solutions to humanely, non-lethally and ecologically control beaver-related flooding. The highway crew along with the experts at Beaver Solutions work together to maintain the water flow devices needed to outsmart beavers who are compelled to block culverts which causes the roads to flood. Currently, there are 15 "beaver deceivers" throughout Town. Thanks to these water flow devices, we have encountered fewer blocked culverts in the last few years. We will continue maintaining these devices while at the same time respecting the beaver's habitat.

The highway crew continues to attend classes and workshops throughout the year with the focus on furthering their education in the areas of roadway safety, worker safety and workforce development. In addition to the usual classes needed to maintain their hoisting licenses, a few of the other workshops that they participated in are: spreader calibration, snow & ice removal, deicing roads, snow plow driver fatigue, grader operator training and highway construction surveying. Thank you to the Board of Selectmen for approving the hiring of an additional highway crewmember. On August 19th, a full-time highway laborer was hired.

Thank you to the Highway crew; Paul Krom, Dave Colucci, Bill Ruane, Bob Palmer, Pete Wilson and Dan Bonetti. Thanks also to Laura Worth, the Highway office manager, and Bob Russell from the Senior Work-Off program. I would like to extend my appreciation to the Town Hall Staff, the Fire Department and the Police Department. Without their help and dedication, my job would have been impossible. And finally, thank you to the Town Administrator and the Board of Selectmen for their continued support to the New Marlborough Highway Department.

Respectfully Submitted,

Charles M. Loring, Ill Highway Superintendent

### PLANNING BOARD 2020 ANNUAL REPORT

The Planning Board during FY20 worked with an ad hoc committee on a Cannabis Bylaw law that has taken more than two years to draft and complete. The Board participated in the MVP grant which will play an important role in identifying changes and vulnerabilities in Town do to climate change. The Planning Board is currently working on Dark Sky and a Curb Cut Bylaw, along with rewriting a current junk car bylaw.

A letter of resignation was received from Lonn Combs. Dan Doern took a leave of absence from the Board and we look forward to his return. In addition, Eric Schaeffer relocated and submitted his resignation. We are grateful and thankful for their participation and insight in helping the Board sort through many different and difficult issues.

Mark Carson was voted as delegate to the Berkshire Regional Planning Committee with Bob Hartt as the alternate delegate.

The current board members include Mark Carson, Robert Hartt, Paul Marcel, Tom Sebestyen and John James. The Board looks forward to serving the Town with an eye toward moving forward. The Board meets the second and fourth Wednesdays of the month on freeconference.com and welcomes your input and suggestions.

Respectfully submitted,

Mark Carson, Chair

### BUILDING DEPARTMENT ANNUAL REPORT

The building department issued a total of 97 Residential Building Permits and 4 Commercial Permits last fiscal year. In addition, the department fields numerous requests pertaining to zoning and replies to each accordingly.

The total estimated value conducted for labor and materials of the issued permits totaled, \$14,315,732.00. The Total Permit fees collected by the department totaled, \$57,179.00.

Please contact our department for any zoning or building code related question so that we may assist you.

MONTH N	O. OF F Rmits	RESIDENTIAL PERMITS	PERMITS FOR DWELLINGS	PERMITS FOR Garages	R ALL OTHER	COMM- Ercial	CONSTRUCTION VALUE	FEES Received
Jul	9	9	0	0	9	0	757,486.00	3,685.00
Aug	15	14	0	0	14	1	645,344.00	2,942.40
Sept	7	7	0	0	7	0	1,171,893.00	6,774.00
Oct	14	13	0	0	13	1	917,266.00	4,144.80
Nov	9	9	0	0	9	0	1,003,384.00	5,077.80
Dec	9	9	0	0	10	0	130,114.00	775.00
Jan	5	5	0	0	5	0	739,500.00	3,800.00
Feb	7	5	0	0	5	2	7,934,532.00	25,040.00
Mar	8	8	0	0	8	0	383,013.00	2,070.00
Apr	5	5	0	0	5	0	233,300.00	740.00
May	5	5	0	0	5	0	173,800.00	770.00
Jun	8	8	0	0	1	0	226,100.00	1,360.00
Totals	101	97	0	0	91	4	14,315,732.00	57,179.00

Respectfully submitted,

Don R. Torrico Interim Building Commissioner

### PLUMBING INSPECTION REPORT

This department issued 31 plumbing permits and conducted 60 on-site inspections. A total of \$3,600.00 in fees were collected.

Respectfully submitted,

Robert Krupski Plumbing Inspector

### GAS INSPECTION REPORT

This department issued 56 permits and conducted 63 on-site inspections. A total of \$3,780.00 in fees were collected.

Respectfully submitted,

Robert Krupski Gas Inspector

### ELECTRICAL INSPECTION REPORT

Wiring permits for the period July 1 2019 thru June 30 2020 processed through Berkshire Permit Eyes for the town of New Marlborough totaled some 108 permits.

This represented more than 255 individual on-site inspections. One solar site on Knight Road by itself involved more than two dozen inspections and consultations.

This year-end report reflects just how active the inspection process has been, I want to thank Butch Ray for all his help and willingness as alternate inspector of wires to conduct inspections when necessary.

Respectfully submitted,

Michael Leining Inspector of Wires

### REPORT OF THE TRANSFER STATION

The Transfer Station weathered the COVID19 virus as best as possible. We have revamped the each station to be safe for the residents, only allowing one car/truck at a time to dispose of trash. The Transfer Station made a change to the compactor, only allowing paper products and cardboard in the container. Plastic, glass, and cans are being recycled in a different container, while electronics, construction-demolitions materials and metals a still in different containers. Transfer Station employees are on site to help residents with which container to use. The Swap Shop has been closed for most of the year due to the pandemic. Masks are mandatory and we'd like to thank everyone who wore them, keeping our employees and residents safe. The price of purchasing a Transfer Sticker is now \$150. A total of 340 stickers were issued during FY20.

There will be many more changes coming to the Transfer Station as dictated by the State. We will keep you advised as these changes are made, and there will be employees to assist you with the transitions.

In addition, 233.7 tons of trash was taken to a landfill; you recycled 115.90 tons of recyclables (congratulations), 86.7 tons were construction-demolition materials and 22.5 tons of metals were brought to the Transfer Station.

My thanks go to Alvin Stalker, Bobby Litchfield, Gary Miller and Marilyn Fracasso who have worked conscientiously to help residents and to keep the Transfer Station operating smoothly during this difficult time.

Once again, if you are considering donating clothing and/or furniture we ask that you consider donating to one of the non-profit organization such as The Salvation Army, Habitat for Humanity, Viet Nam Vets, Goodwill Industries, etc.

Respectfully submitted,

Freddy Friedman

### ANNUAL REPORT OF THE SENIOR TAX WORK-OFF ABATEMENT PROGRAM 2020

The Senior Tax Work-Off Abatement Program began when the citizens of New Marlborough at the Town Meeting on May 7th 2007 accepted the provisions stated in MGL Chapter 29 Section K, and later this program was approved by the Board of Selectmen on August 13th 2007.

In the past years about sixteen seniors have contributed between eight hundred and fifty to one thousand hours of work for the town. This year because of Covid 19 seniors were unable to work after March and thus the number of hours have declined.

However fifteen seniors worked about six hundred and thirty nine hours. Their total abatement {taken from the Overlay account MGL Chapter 59 Number 11 D, since these are considered essentially a Real Estate Abatement} totaled \$7,824. The seniors worked at the highway garage, the library, the transfer station; they manned the polls and stuffed tax envelopes, they worked for the Council on Aging and the Senior Tax Work-Off Abatement Program.

Two seniors have exceeded in working the number of hours specified by the law (125) and thus have donated one hundred and eleven point five hours to the town.

Just as all folks this year, the senior are looking forward to being able to again play an important part in the life of the town.

Respectfully submitted,

Prudence Spaulding MSW Director of Senior Services

### ANNUAL REPORT OF THE COUNCIL ON AGING 2020

Continuing our OUTREACH program the New Marlborough Council on Aging sponsored two informative luncheons. At one the guest speaker described the establishment of the Berkshire Villages; at the other the guest speaker, Rick Berry RN presented Fairview Hospital's Life Enhancement Program. Information about Lyme disease and Rabies was also shared.

We continued to obtain food from the Massachusetts and Connecticut Food banks to share with some local families. Our chairman has served on the Southern Berkshire Elderly Transportation Corporation's board. She worked with the Emergency Manager and helped Fairview Hospital establishing senior suppers (now discontinued because of COVID 19). The Council took part in the Elihu Buritt Day (a special New Marlborough summer fair day). On that day the New Marlborough Council on Aging distributed eighteen protective walking vests. One of the missions that the NMCOA incorporates is the providing of safety for the New Marlborough seniors. Besides distributing pails of sands and shovels for winter safety this year they have distributed over 60 protective vests for walkers and will continue so to do. The Council now shares with our seniors 50 new masks made by one of our seniors. A newsletter was sent describing the necessary personal information that needed to be kept handy in case that senior became suddenly hospitalized.

Being a member of the Massachusetts Senior Actions new guidelines for obtaining Medicare were shared with seniors. Home Assistance Program (new to the area) was introduced to the town and a senior was referred to learn about their service. Fourteen seniors attended Christmas programs in the two local schools. Referrals were made to Southern Berkshire Elderly Transportation Corporation, to the AARP Tax Aide Program and the Community Block Grant. Seniors were encouraged by mail and by phone to take part in this year's Census. Friendly phone visits continue to support those who live alone and those who are sick or are morning a loss. Seven seniors continued to take part on the Wellness swim and other health programs (like armchair yoga) offered by Simons Rock College. Unfortunately in March COVID 19 resulted in the shutdown of these really great programs.

COVID 19 has brought many changes to our community which is mostly rural. Some distressing results include the termination of the Southern Berkshire Elderly Transportation Corporation that allowed seniors to maintain some level of independence and the discontinuing of the Fairview Commons Adult Day Care Program.

Many seniors remain alone in their home depending on family members to bring them groceries and medication. During the summer months visitation could safely take place on porches or decks. But the coming of cooler weather these seniors will face many challenges.

The New Marlborough Council on Aging will continue to reach out and provide safe visitation by phone. In closing it is fortunate that New Marlborough has a relatively small population and a wonderful monthly newspaper that helps folks know to whom to call when in need.

Respectfully submitted,

Prudence Spaulding MSW Director of Senior Services

### ZONING BOARD OF APPEALS

Courtney Turner, Chair, Dan Litchfield and Sharon Fleck head up the ZBA with John Bellinger as an Alternate.

While COVID19 has made it impossible to attend informational meetings in Pittsfield, hosted by Berkshire Regional Planning Commission, the Board has been encouraged to stay abreast of any changes.

The Board only meets when there is an appeal to be heard; however, during FY20 there were no appeals. The Board does continue to encourage residents to become volunteers for the ZBA.

Respectfully submitted,

Courtney Turner Chair

### HOUSING COMMITTEE

The New Marlborough Housing Comm was formed in January 2020. It consists of Richard Long, Richard Stebbins, Joe Poindexter, Will Regan, Mike Smith and Kenzie Fields. Our goals were to identify the need for affordable housing in New Marlborough, explore the availability of homes to repurpose, identify property for building, explore funding sources and educate the community regarding the need for affordable housing.

We had Berkshire Regional Planning Commission do a housing assessment and we sent out a survey to 450 residents over the age of 65. Results of both reports indicated there is a tremendous need for rental and ownership housing for seniors, local workers and young people, particularly starter families. Unfortunately there are many obstacles to achieving these goals. Our recommendations to the Selectboard included a discussion of instituting a Community Preservation Act (CPA) and changes in zoning.

Respectfully submitted,

Courtney Turner

### **DESIGNER SELECTION COMMITTEE**

In the Spring of 2019, the Town of New Marlborough joined the Towns of Sheffield and Otis in a regional grant application to the Department of Housing and Community Development for federal funding for housing rehabilitation projects and American Disabilities Act (ADA) compliance projects. In the fall, the towns were awarded a Community Development Block Grant which included \$80,000 for design for Architectural Barrier Removal in Town Hall to address ADA compliance issues. Among the challenges the Town Hall faces are the inaccessibility to the second story as well as compliance issues with the bathrooms and several office spaces.

In December, the Board of Selectmen appointed Richard Long, Joyce Hackett, Robin Gerber, Scott Walker, Dan Doern, and Mari Enoch (Procurement Officer) to a Designer Selection Committee for the purpose of choosing an architect for the Town Hall design.

The Committee worked with Pat Mullins of Berkshire County Regional Planning Commission whom the Town contracted to administer the grant. Over the next several months it drafted and issued a Request for Qualifications (RFQ) seeking interested firms to perform code analysis, design and plan, and provide detailed cost estimates and complete bid documents for bringing use and access into compliance with coded mandated accessibility requirements.

The RFQ was released in early March with a submittal date of April 17th. As the COVID19 pandemic swept across the country and a State of Emergency was declared in mid March, it became clear that the April submission date was no longer realistic. The project was paused until it was felt that it was safe to bring interested parties into Town Hall for a walk through. A walk through with two firms, EMD of Pittsfield and Clark & Green of Gt. Barrington, was held in June. The submission of qualifications was postponed until July of 2020.

Thank you to the volunteers on the Committee and the staff of Berkshire Regional Planning Commission for their work in the first step toward one solution for equal access to the Town Hall.

Respectfully submitted,

Mari Enoch Chief Procurement Officer

## ACCOUNTING OFFICER REPORT 2018 EXPENDITURES 7/1/19 - 6/30/20

Department	Budget	Carry Forward/Amended	Expended	Unexpended
MODERATOR	145.00		145.00	0
WEBSITE DEVELOPMENT	3,975.00	495.00	4965.00	
BROADBAND EXPENSES				
Selectmen's Salaries	8,550.00		5,700.00	2850.00
Berk Reg Group Purchasing	800.00		800.00	0
Selectmen's Expenses	3,000.00		2,462.22	537.78
Contingent	5,000.00		4,642.93	357.07
Right of Way Funds	35,000.00		3,450.00	31,550.00
TOTAL SELECTMEN			17,055.15	
Town Administrator	39,574.00		39,551.00	23.00
Administrative Secretary	31,201.00		31,106.65	94.35
TOTAL ADMINISTRATIVE			70,657.65	
TOWN COUNSEL	10,000.00		96'666'6	0.04
FINANCE COMMITTEE	500.00		499.99	0.01
AUDIT	1	37,000.00	3,000.00	34,000.00
Town Accountant	19,071.00		19,059.98	11.02
Town Accountant Expenses	4,515.00		4,441.85	73.15
TOTAL TOWN ACCOUNTANT			23,501.83	
Assessor's Salaries	00.000,9		5,999.88	0.12
Assessor's Clerk	19,718.00		19,670.96	47.04
Assessor's Tax Map Update	2500.00	650.00	2500.00	650.00
Assessor's Consultant		2,500.00	0.00	2,500.00
Assessor's Revaluation	16,500.00		16,500.00	0
Cyclical Reinspection		10,000.00	10,000.00	0
Property Cards On-Line	1,640.00		1,640.00	0
Assessor's General Expense	1,850.00		932.65	917.35

Department	Budget	Carry Forward/Amended	Expended	Unexpended
Assessor's Computer Cont	4771.00		4734.34 <b>51 977 83</b>	36.66
Treasurer Salary	18,994.00		17,646.55	1,347.45
Assistant Treasurer	2,000.00	1635.06	2,444.66	1,190.40
Treaurer's Expense	3,300.00		3,038.79	261.21
Tax Title (Treasurer)	2,000.00		442.20	1,557.80
Treaurer Software/Support	3,975.00		3,498.05	476.95
TOTAL TREASURER			24,625.59	
Tax Collector Dept. Salaries	27,486.00	1,839.43	24,350.60	1,295.97
Tax Collector Expense	6,255.00		5,324.74	930.26
Tax Collector Computer Serv	7,940.00		7,933.99	6.01
Tax Title (Collector)	800.00		334.11	465.89
TOTAL COLLECTOR			37,943.44	
Town Clerk Salary	33,621.00	184.87	33,805.87	19.50
Election Expense	4,525.00		3,870.97	654.03
Street Listing	800.00		773.84	26.16
Town Clerk Expense	2,200.00		1,053.39	1146.61
Town Records Preservation	5,000.00		4,940.00	00.09
Voting Tabulator	5,700.00		5,700.00	0.00
TOTAL TOWN CLERK			50,144.07	
Conservation Clerical	900.00		625.00	275.00
Conservation Expenses	1,700.00	275.00	831.25	1143.75
CONSERVATION COMMISSION	2,000.00		1,456.25	
Planning Board Clerical	1,500.00		450.00	1050.00
Planning Board Expenses	900.00		339.30	560.70
TOTAL PLANNING BOARD			789.30	

Department	Budget	Carry Forward/Amended	Expended	Unexpended
BOARD OF APPEALS	300.00		0.00	300.00
Town Hall Clerical	9124.00		8,420.54	703.46
Town Hall Custodian	8622.00		7,897.85	724.15
Town Hall Expenses	34,500.00	495.00	33,972.70	527.30
TOTAL TOWN HALL			49,796.09	
Town Officer's Expenses	1,500.00		336.00	1164.00
TOTAL TOWN OFFICERS			336.00	
Town Hall Renovations		36,798.50	0.00	36,798.50
Town Hall Improvements		28,793.67	25000.00	3,793.67
Town Hall Improvements 2020		25,000.00	00.00	25,000.00
TOTAL TOWN HALL IMPROVEMENTS			0.00	
PRINTING	1,900.00		1,750.00	150.00
911 CO-ORDINATOR	100.00		0.00	100.00
AGRICULTURAL COMMISSION	250.00		250.00	00.0
TOWN PROPERTY MAINTENANCE	4,323.00		0.00	0.00
2015 Hwy Truck	45,492.00		00.00	0.00
Fire Truck 2015	70,400.00		00.00	0.00
Grader 2018	45,500.00		00.00	0.00
TOTAL LONG TERM DEBT			161,392.00	
Town Insurance	16,500.00		12,268.00	4,232.00
Health Insurance Offset	4,000.00		4,000.00	0.00
TOTAL INSURANCE			16,268.00	
Regional Planning Commission	1,203.00		1,202.33	0.67
District Dept Veteran's Services	6,796.00		6,795.81	0.19
TOTAL STATE/COUNTY ASSESSMENTS			7998.14	

Department	Budget	Carry Forward/Amended	Expended	Unexpended
Berkshire County Retirement	158,015.00		158,015.00	0.00
Insurance Expense	64,850.00		58,776.00	6,074.00
Group Insurance	194,484.00		174,500.19	19,983.81
Medicare	14,894.00		15,670.11	-776.11
Veteran's Benefits Chpt 115	10,000.00	886.02	10,886.02	0.00
Longevity Stipend	2,500.00		2,500.00	0.00
Insurance Reimbursement	5,000.00		4,000.00	1,000
TOTAL BENEFITS & WITHHOLDINGS			420,347.32	
Reserve Fund	50,000.00		20,984.38	29,015.62
TOTAL FINANCING USES			20,984.38	
BERKSHIRE CTY COMMUNICAT	10,592.00		10,591.93	0.07
Police Salaries	161,053.00		151,563.14	9,489.86
Police Dept Expenses	26,250.00		26,106.13	143.87
Police Rental	6,000.00		6,000.00	
TOTAL POLICE DEPARTMENT			183,939.27	
Constable Salary	475.00		475.00	0.00
Constable Expense	20.00		0.00	20.00
TOTAL CONSTABLE			475.00	
Fire Dept Clerical	1,700.00		1,699.92	0.08
Firefighter's Stipend	36,500.00	110.00	36,126.00	484.00
Fire Protection	62,000.00	18,000.00	79,354.10	645.90
TOTAL FIRE DEPARTMENT			100,846.62	
NM Rescue Salary	4,992.00	944.00	5,936.00	0.00
NM Rescue Stipends	27,250.00	(72.00)	23,065.75	4112.25
NM Rescue Expenses	28,850.00	(150.00)	19,415.94	9,284.06
TOTAL RESCUE EXPENSES			48,417.69	

Department	Budget	Carry Forward/Amended	Expended	Unexpended
Emergency Mgmt Salary	4,330.00		4,330.00	0.00
EIIIEIGEIICY MGIIIL EXPENSES Emergency Mamt Noticication S	2,430.00		040.33 2 473 25	726.75
Hazardous Mitigation Plan	2,400.00		1,193.34	1,206.66
TOTAL EMERGENCY MANAGEMENT			8,644.94	
Building Inspector Salary	21,532.00	2,098.36	22,940.36	00.069
Building Inspector Salary-Altern	1,000.00		200.00	800.00
Building Inspector Expenses	3,475.00		2,865.00	978.12
Building Inspector Software	2,900.00		2,865.00	35.00
TOTAL BUILDING INSPECTOR			27,839.01	
SBRSD Operation	2,709,542.00		2,709,542.00	0.00
SBRSD Capital	156,139.00		156,138.44	0.56
School Committee Compensatio	1,650.00		1,650.00	0.00
TOTAL SCHOOL			2,867,303.44	
Roads & Bridges Salaries	341,854.00	(263.45)	338,321.44	3,269.11
Highway Dept Expenses	28,000.00		25,141.52	3,758.48
Machinery Expense	80,000.00		73,662.83	6337.17
Propane	10,000.00		7,920.34	2,079.66
Diesel	40,000.00		26,257.97	13,742.03
Roads & Bridges	183,000.00	(8,001.49)	165,635.51	9,363.00
TOTAL ROADS & BRIDGES			637,203.06	
WINTER ROADS	266,334.00		196,514.68	69,819.32
2020 Highway Truck	140,000.00		131,797.80	8202.20
Highway Yard Paving	115,000.00	1,313.30	108,313.52	7,999.78
Diewei nii Dramaye Road Projects	219,000.00	6,688.19	44,880.19	180,808.00
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Department	Budget	Carry Forward/Amended	Expended	Unexpended
Total Highway Other			284,991.51	
STREET LIGHTS	4,848.00		4,848.00	0.00
Cemetery Salaries	38,677.00		38,677.00	0.00
Cemetery Officers Salary	400.00		400.00	0.00
Cemetery Expenses	2800.00		2,274.81	625.19
Cemetery Projects	39,960.00		29,960.00	10,000.00
TOTAL CEMETERY			71,311.81	
Tree Warden Salary	1,250.00		1,250.00	0.00
Tree Work	20,000.00		18,960.00	1,040.00
Tree Maintenance Projects	10,000.00		10,000.00	0.00
TOTAL TREE WARDEN			30,210.00	
Board of Health Officers	1,250.00		1,250.00	
Board of Health Salaries	5,004.00	1,939.66	6,943.66	0.00
Board of Health Software	1,750.00		1,724.00	26.00
Board of Health Expenses	1,500.00		1,500.00	0.00
TOTAL BOARD OF HEALTH			10,967.66	
Animal Control Officer Stipend	3,711.00		3,711.00	0.00
Animal Inspector Compensation	1,500.00	79.56	1,579.56	0.00
Animal Inspector Expenses	800.00		233.76	511.68
TOTAL ANIMAL CONTROL			5,524.32	
Transfer Station Salaries	27,528.00		27,421.88	106.12
Transfer Station	75,000.00	17,397.23	77,912.18	14,485.05
Household Hazardous Waste	3,160.00		1,962.92	1197.08
TOTAL PUBLIC HEALTH			107,296.98	
Children's Health Program (CHP	1,000.00			1,000.00
Visiting Nurse Association	2,581.00	214.00	2,795.00	0.00

Department	Budget	Carry Forward/Amended	Expended	Unexpended
Mental Health	200.00		0.00	200.00
Commission on Disabilities Expe	225.00		0.00	225.00
ADA Coordinator	1500.00		0.00	1,500.00
Senior Tax Workoff Program	150.00		10.35	139.65
TOTAL HEALTH/WELFARE			2805.35	
Council on Aging Transportation	5,720.00		5,719.08	0.92
Council on Aging Expenses	250.00		230.00	20.00
TOTAL COUNCIL ON AGING			5,949.08	
Cultural Council	1,250.00		1,250.00	0.00
Historical Commission Clerical	300.00		100.00	200.00
Historical Commission Expenses	200.00		8.35	491.65
TOTAL CULTURAL			1,358.35	
Library Salaries	61,315.00	(1,105.30)	56,552.54	3,657.16
Library Trustees	320.00		220.00	100.00
Library Expenses	46,919.00	253.00	47,150.31	21.69
TOTAL LIBRARY			103,922.85	
Umpachene Falls Park Erosion	11,000.00		7,197.60	3,802.40
Umpachene Falls Park Expenses	4,000.00	6,267.22	2,826.00	7,441.22
TOTAL PARKS AND RECREATION			10,023.60	
MEMORIAL DAY	700.00		164.22	535.78

### SPECIAL REVENUE BALANCES

**AS OF JUNE 30, 2020** 

GOVERNMENT /STATE GRANTS:	Amount
Rural Fire Assistance Grant	\$ .18
State Elections	3,461.93
State Aid to Libraries	8,002.89
Cultural Council Grant	16,718.59
Council on Aging	5,396.98
Cemetery Preservation Grant	2,305.02
Strap Grant	18,210.99
Status of Roads Grant	1,000.00
Emergency Management Grant	3,133.47
2011 August Storm (Hurricane)	49,368.00
Board of Health Grant-Emerg Prepare	168.12
Board of Health Mini Grant	256.87
Board of Health On-Line Permitting	424.00
Board of Health COVID-19	100.00
Transfer Station Grant	7,440.00
MA Works Grant	3,485.67
08 Storm Damage Reimbursement	6,023.79
IT Grant	2,100.00
Hazardous Mitigation Grant	5,576.56
Human Resources Grant	10,000.00
MVP Planning Grant	8,640.00
MEMA COVID-19	4,579.82
Uber/Lyft Per Ride Assessment Fund	.30
TOTAL GOVERNMENT/STATE GRANTS	\$129,109.08
OTHER SPECIAL REVENUE:	
Library Gifts & Memorials	\$3,539.80
250th Anniversary	234.65
Wetland Conservation	94.64
Machinery Earnings	1,848.40
Insurance Proceeds >20k	-1,461.62
TOTAL OTHER SPECIAL REVENUE	\$4,255.87
Comstar Reserved for Appropriation	\$204,778.54
Sale of Cemetery Lots	\$35,210.18
Revolving Accounts	\$9,927.81
Chapter 90 Funds	\$24,172.00

### TRUST FUNDS AS OF JUNE 30, 2020

ITEM	BALANCE 6/30/19
Stabilization Fund	867,825.88
Marcus Rogers Fund	6,789.75
Cemetery Perpetual Care Bequests	75,956.43
Cemetery Perpetual Care Interest	717.84
Unemployment Fund	40,701.92
New Marlborough Library	6,520.93
Conservation Commission	7,290.69
Sunrise Solar-Knight Road Escrow	98,934.80
TOTAL TRUST FUNDS	\$1,104,738.24

### LONG TERM DEBT

June 30, 2020

ITEM	BALANCE 6/30/19
Fire Truck (2015)	330,000.00
Grader 2018	292,500.00
TOTAL DEBT	\$622,500.00

### **ALL FUND REVENUES**

As of June 30, 2020

Personal Property Taxes	50,731.03
Real Estate Taxes	5,171,929.37
Motor Vehicle Taxes	237,456.79
Farm Animal Excise Tax	300.50
Other Taxes	31,546.88
Penalties/Interest on Taxes	36,448.25
State Receipts	119,378.20
Transfer Station	59,023.00
Licenses & Permits	92,033.20
DOE Revenue	24,172.00
Investment Income	5,715.09
Miscellaneous Revenue	26,559.30
TOTAL REVENUE	\$5,855,293.61

### AGENCY FUNDS

As of June 30, 2020

	ENDING BALANCE
Town Clerk Agency	1,189.18
Tax Collector Agency	25,799.85
Police FID	12,859.24
Unclaimed Checks	12,496.15
TOTALS	\$52,344.42

Respectfully submitted by

Tara B. White Accountant

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